
From: Richard Butt [REDACTED]
Sent: 26 November 2015 09:58
To: Team P11
Subject: APP/C3105/W/15/3136680
Attachments: BBSG Representation 25.11.2015.pdf; Appealant's statement 20.11.2015.pdf

Dear Kerr Brown,

Please find the attached BBSG representation to the Planning Inspector in respect of Mr G Noquet's appeal APP/C3105/W/15/3136680

As we have gone through Mr Noquets statement and responded to each numbered comment, we have also therefore attached the appellants statement to this email to avoid any chance of any future doubt about which appeal statement we were using to make our representation.

Could you please confirm to us that you have received it please.

Thanking you in anticipation.

Yours Sincerely

Richard Butt

Coordinator for the 524 supporters of the BBSG



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BBSG Representation to the planning inspector hearing
APP/C3105/W/15/3136680

For the avoidance of doubt re Mr. Noquets comments in his Appeal statement 4.8

The Bishop Blaize Support Group was formed July 2006 by Mrs Eileen Haynes and her husband Tony Haynes after seeking advice from the then head of Cherwell District Council in respect of the planning application 06/01697/F. This was the third planning application for change of use in the 5 months that had elapsed since Mr and Mrs Noquet acquired the tenure of Bishop Blaize, Burdrop Banbury OX15 5RQ in February 2006). Mr G.R. Noquet was very obviously and quite deliberately driving customers away from the pub with a view to getting the pub de-licensed. It is a travesty of the truth to suggest as he does in his most recent statement to the Inspectorate that he and his wife "had every intention to run a successful pub and (that) the villagers and the LPA...persecuted (them) at every stage". The reverse was true. On the advice from Cherwell District Council Eileen organised a public meeting which was attended by 200 plus locals who all pledged their support. Sadly Eileen died suddenly in 2011 which was when I was asked to be the coordinator of the BBSG. The support for the BBSG comes from around the world from people who have enjoyed past times at the Bishop Blaize Public House and do NOT want to see it closed or converted into a house as they realise it is a very important Community Asset.

The BBSG would make the Inspector aware of our assessment of the inconsistencies in the appeal statement submitted by Mr. Noquet.

1. The building was the old bottle store and had been used for that purpose for the past 50 years at least. Not as stated an "Old Barn"

2. The building is not situated in Sibford Gower it is situated in Burdrop.

2.1 There is a Gastro pub situated in Sibford Gower the nearest locals pub is probably Epwell

Planning permissions

3. The planning Permission allowed was given on appeal by a Planning Inspector the conditions made were specific for a holiday let to be run ancillary to the Bishop Blaize pub! If Mr Noquet was not happy with the conditions set he could have appealed to the High Court and was advised by the P.I. of this fact. Instead he waited a few months and applied to the LPA for the removal of the conditions which was refused. and has now appealed to the P.I. in an effort to get the refusal reversed.

3.2 The Holiday cottage does NOT have two Legal extra parking spaces or a legal garden. Both the parking spaces and the mock-up of a garden are located in the Bishop Blaize car park which has A4 planning with domestic use being C3 planning, the BBSG are not aware of any planning application submitted to the LPA that would entitle Mr Noquet to change

the use of the pub car Park. In fact there are two current Enforcement Notices for items contained within the car park that are due to be enforced to secure its continued use as a parking area for the pub.

3.4 In theory it could be possible to sell the holiday cottage separate to the Bishop Blaize but in practice it is probably impossible unless the same person bought both properties so that they can abide by the conditions attached to the Holiday let. There is no comparison with trying to sell a terraced house and a Holiday cottage which is subject to the "Holiday lets only" conditions.

3.5 The Holiday let cannot be sold separately without the removal of the conditions specified when the Planning Inspector gave planning permission for a Holiday let

3.6 to 3.9 If the holiday let was given domestic use planning C3. it would compromise the Bishop Blaize Pub to an extent whereby it could not trade with the proximity of the holiday let being so close it would also deprive the Bishop Blaize of around £25,000.00 in income per annum.

3.10 The holiday let could not be used legally by one family for a period of 16 weeks as the conditions state 8 weeks use in any calendar year the year would start from the date the person moved in and after 8 weeks the Calendar year starts again!

3.11 As far as the BBSG are aware the Holiday Cottage is currently not in a fit state to let in any event, the fact that the appellant and his wife were convicted in October 2014 at Oxford Magistrates Court after a weeklong hearing for failing to comply with a valid Enforcement Notice issued by the LPA (which was confirmed by the Planning Inspectorate on appeal) gave the appellant plenty of time to either reopen the Public House and run it as a Public House and then let the Holiday Cottage or indeed offer the Public House and Holiday Cottage for sale or lease which he has recently done.

3.12 I refer to 3.11 which would solve the problem of Mr. Noquets travel times in respect of the Holiday let.

3.12 Security, we would only make one comment: The appellant moved to Spain for a number of years with his wife leaving the Bishop Blaize without any occupants, the water supply left turned on with NO electricity supply (it was cut off on 27th Oct 2008 by Eon for non payment of the electricity supplied) therefore there was no heating, a frozen water pipe burst in the loft in February 2009 and was running until turned off by the water board on 20th April 2009. We would leave the Inspector to draw his/her own conclusions about Mr Noquets concerns about security.

3.13 Is the Bishop Blaize on the market at a price whereby it will sell? In the Magistrates Court in Oct 2014 the prosecution and the defence agreed the value of the Bishop Blaize at £240,000 to a maximum of £260,000 the current advertised price at Sidney Philips is

£395,000. We do not believe that any potential purchaser (and we know several) would be prepared to live in the Holiday Cottage and let the existing bedrooms as a B&B why? they say because it is far too small for a permanent residence.

4.2 Closing the Bishop Blaize on the advertised trading hours would not have affected his customers in any way. It is up to the individual Pub Landlord to run his/her establishment as they think fit. When the appellant employed a manager (who had no previous experience in the licensed trade) to run the Bishop Blaize it became a popular pub once again despite the restriction the appellant forced on the manager. We would just ask the Planning Inspector to look hard at all of the appellants comments from 4. to 4.8 and make a similar conclusion to the one that we have made.

5.1 If the appeal was allowed the Holiday Let may house one person next to a noisy Public House

5.2 The appellant cannot be sure that any resident of the Holiday Flat would use the local pub or the local shop.

5.3 There are NO current gardens or Grounds attached legally to the Holiday let

5.4 The current situation is 100% down to the appellant and his wife and has been since February 2006. However as he has stated in 4.5 that he and his wife are financially ruined, if the Bishop Blaize is genuinely going to be sold, the situation will change fairly quickly with the holiday let bringing somewhere in the region of £25,000 into the pub finances.

6.1 We cannot see any potential benefits to the local economy whatsoever in fact the opposite is more likely.

6.2 There are plenty of potential housing development possibilities with our area, The Holiday let will provide more accommodation for people on holiday than anyone using it as a permanent residence.

6.3 The Bishop Blaize is a Public House to have a permanent residence so close without having control of it (ie a Holiday Let) would seriously affect the occupants of both properties in a detrimental way.

6.4 If there were not logical reasons for imposing the conditions why did the Inspector impose them? We think the reasons were entirely logical as we have stated before.

The appellant states that the Planning Inspector stated that the Holiday Cottage was not vital to the operation of the Bishop Blaize! That was its previous use as a Bottle store not its current use.

6.5 The Circular 11/95 - states The Use of Conditions in Planning Permissions (1995) Appendix A (model conditions) to be retained, rest of the document to be cancelled when Planning Practice Guidance Suite launched

Not as stated by the appellant

6.6 The determination of the Cherwell District Council that the Bishop Blaize pub was not an asset of community value was because Mr and Mrs Noquet had proceeded to implement change of use to a private residence without securing planning permission and were in residence at the time of the application. The terms of the ACV require there to be no-one in occupation at the time of the application. The most recent ruling by the Inspectorate led to the Noquets having to vacate the property unless it was run as a public house. Since it is now not occupied, a current Asset of Community Value (ACV) application is now under way from the Parish Council.

The BBSG would ask the Inspector to dismiss this appeal and award costs to the LPA

Signed on behalf of the 524 supporters of the BBSG

Richard Butt (Coordinator) 22/11/2015

APPEAL STATEMENT: Geoffrey Richard Noquet

CONTENTS

1. INTRODUCTION
2. SITE LOCATION
3. PLANNING PERMISSION AND CONDITIONS
4. TRADING HISTORY
5. BENEFITS TO THE AREA AND COMMUNITY
6. CONCLUSIONS

INTRODUCTION:

1. The building was formerly a stone barn with a single pitched asbestos roof. The roof has been replaced with recycled welsh slates. The structure is set into a grass bank and attached by a small corner to the main building (former public house). There is no internal link between the buildings. The Cottage has its own entrances and can be accessed from the ground floor or via its own garden from the upper level.

SITE LOCATION

2. The property is located within the village of Sibford Gower approximately 8 miles from Banbury. The nearest main road is 1.5 miles away, the B4035 which runs from Shipston-on-Stour to Banbury.

2.1 There is a Locals Pub, School and Village Hall; all are within easy walking distance.

2.2 The adjoining village is Sibford Ferris where there is a Post Office/ Supermarket/ /Off-Licence approximately a quarter of a mile from the site.

PLANNING PERMISSION AND CONDITIONS.

3. 17 February 2014 Application 13/00781/F was allowed on Appeal with the 2 subject conditions 3 and 4 imposed.

3.1

CONDITION 3

“The building shall be used for holiday lets only and remain ancillary to property, Bishop End. The building shall not be used for any other purpose including those within Class C of schedule 2 to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005”

3.2 The Inspectors Decision reasoned: “it is important that a condition is imposed to ensure that the use is not separated from the main planning unit of Bishop End because of the close proximity of the relative buildings and because the barn/store does not have adequate amenity space or parking facilities for independent residential use.”

3.3 MATERIAL CHANGE

The Cottage now has its own garden and 2 additional parking and therefore does have adequate amenity space and parking facilities for independent residential use.

3.4 The Inspectors other reason was “to ensure that the use is not separated from the main planning unit of Bishop End because of the close proximity of the relative buildings” This is not a valid reason bearing in mind that we can sell the Cottage with separate title deed in exactly the same way a terraced house or an apartment can be sold.

3.5 The Bell Inn in Shenington had a Condition 3 that stated:
“that the proposed accommodation shall not be sold as a separate unit”
In 2014 that condition was removed by Cherwell Council.

In this instance the Holiday Cottage can be sold as a separate unit and therefore the close proximity to relative buildings is not a sound reason on which to base this condition.

3.6 CONDITION 4

“The Holiday Letting unit hereby approved shall not be let or be occupied by any person, or connected group of persons for a period exceeding eight weeks in any calendar year. “

3.7 The Inspectors Decision reasoned: “to ensure that a period of occupation by any particular person or group is limited so the premises are used for holiday lets and not permanent residential accommodation.”

3.8 Normally this type of Condition is imposed on Holiday Camps National Parks where there are mobile homes or temporary structures with long-term site issues. Further a condition of this kind might be implemented when a building is not suitable as a permanent dwelling or would be contrary to national policies on development in the countryside. Government Circular 11/95 clarifies the use of holiday occupancy conditions and clearly in this instance restricting occupancy is unnecessary and inappropriate.

3.9 There is no tangible impact upon the location regardless of whether 1 family are living in the Cottage for 52 weeks or 7 different families for shorter periods of time. Quite clearly the Inspector felt that occupancy for 8 weeks by 1 family would not have any adverse impact on the location. Logically nor will 52 weeks occupancy have any adverse impact on the location or residential amenities.

3.10 In reality the Cottage could be occupied by 1 family for 16 weeks using November and December in year 1 and January and February in year 2

3.11 Currently the Holiday Cottage cannot be operated efficiently due to Enforcement Action brought by Cherwell District whereby I am prevented from occupying the adjoining property. This situation means that greeting clients, giving out keys and collecting payments are all extremely difficult to carry out. In addition letting opportunities are lost for walk-in nightly and week-end lets.

3.12 Cleaning and maintenance is made more difficult with us having a 1 hour return car journey each time on-site attendance is necessary. Security of the property is also a genuine and major concern.

- 3.13 Further the Pub is now on the Market and several of the interested buyers have expressed their intentions as wishing to live in the self-contained cottage and let the pub bedrooms as B&B. These present Conditions do not enable this sensible option.
- 3.14 Many pubs with separate letting accommodation have those rooms and buildings lived in by the owners or staff members.

Trading History

- 4
- 4.1 Taking the 2 examples of the Bell Inn in Hook Norton and the Bishop Blaize. The Bell, it seems that it is easier to acquire a pub without any intention of operating that pub and that the LPA will grant permission for residential use. The Bishop Blaize was acquired by ourselves as honest publicans that had every intention to run a successful pub and the villagers and LPA have persecuted us at every stage.
- 4.2 When we first started to run the pub we were expected to serve drinks after hours because that was the way the pub had previously been operated.
- 4.3 Comments removed as advised by PINS.
- 4.4 We stopped those previously accepted activities and were boycotted because we refused to run the pub in an illegal way.
- 4.5 For those reasons we have been financially ruined and are here before the Inspector today.
- 4.6 I ask this new Inspector to view the evidence of what has gone on before and focus on the part the LPA has played over the years in what I believe has been a travesty of justice.
- 4.7 I am also concerned that PINS Inspectors are reluctant to undermine their fellow Inspectors as is also the culture of Planning Officers to not disagree with their colleagues.
- 4.8 The objections submitted by Mr Butt as being the self appointed coordinator of the Bishop Blaize Support Group (BBSG) should be disregarded as he has not presented any proof of those 500 members.

BENEFITS TO THE AREA AND LOCAL ECONOMY

- 5.1 With the Conditions removed the Cottage becomes a home for a small family, possibly Key-Workers.
- 5.2 The provision of another home would bring much needed business to the Local Pub and Village Shop.
- 5.3 The gardens and grounds will be regularly maintained which will enhance the visual impact in this conservation area.
- 5.4 The present situation means that the Cottage stands vacant for most of any year and therefore is no benefit to the local economy.

CONCLUSIONS

6.1 The Potential Benefits to the Local Economy gives weight to this Application.

6.2 Cherwell District Council has no Local Plan in place and therefore in the absence of any Housing Policy Statement weight should be given to any application that seeks to provide another permanent dwelling.

6.3 There are literally thousands of Pubs that are terraced or attached to buildings that have separate title deeds and there are 4 examples within a 4 mile radius. Appendices 6, 7, 8,9,10, and 11.

6.4 There is no logical or valid reason to impose occupancy conditions on a property that is now suitable as an independent dwelling and can be sold by separate title. Further the Inspector has decided that the Cottage is not vital to the operation of the adjoining building, whatever that use might be.

6.5 Conditions 3 and 4 do not satisfy the relevant tests for conditions now contained within the NPPF and the Planning Practice Guidance that revoked Circular 11/95 in 2014.

6.6 Cherwell District has deemed that the former public house is not an asset of community value (ACV) and therefore there are no grounds on which to link the use of the Cottage to that of the former pub. Appendices 13

CONCLUSION: Conditions 3 and 4 should be removed.

With due respect and for all of the above reasons I ask that my Appeal is allowed.

Geoffrey Richard Noquet