

Date 19/10/2018

**The Bishop Blaize Support Group, C/O R Butt, College Barn Farm, Sibford Gower, Banbury. OX155RY**

**The BBSG Objection to 18/01501/F | Change of use from A4 to C3 (ACV Listed) | The Pheasant Pluckers Inn Street Through Burdrop Banbury OX15 5RQ**

**The saleability of the property as a public house:**

1. The applicant has stated that the property is once again for sale without releasing the agents who are selling it details or a price for the Public House!

The BBSG would state regarding the saleability of the Public House:

2. Any property is only worth what someone is prepared to pay for it!

3. The easiest way to find out exactly what the property is worth is to sell it via an unreserved price at Auction

4. On January 25th 2018 the BBSG submitted an increased offer for the Pheasant Plucker Inn / Bishop Blaize to Sidney Philips the Noquets agents and did not get a reply. (Copy of the offer attached to this email)

5. On October 15th 2018 the BBSG submitted a further increased offer Pheasant Plucker Inn / Bishop Blaize via CDC

6. On Oct 16th 2018 a hard copy of the offer was sent to Mr Noquet at the Pheasant Plucker Inn via the Royal Mail (recorded delivery ref number **GQ367436246GB**)

7. On October 18th at the Sibford Gower Parish Council meeting Mrs Noquet stated twice that The Pheasant Plucker Inn was no longer for sale. In our opinion it never was for sale. (as they stated in their planning application)

Mrs Noquet in the presence of her husband G Noquet also stated that they had NOT received the BBSG offer to purchase the Pheasant Plucker Inn sent to them on 16th Oct. **The Royal Mail states Tracking We wonder how many other offers for the Pheasant Plucker /Bishop Blaize the Noquets rejected in one way or another??**

no. GQ367436246GB

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**The viability of the property as a public house:**

For the Pheasant Plucker/Bishop Blaize to be viable it would have to be open as a public house, it has NOT been open since early December 2017. (copy of the BBSG record of opening days for the Pheasant Plucker Inn OX15 5RQ attached to this email)

With regard to the viability of the property as a public house, a series of appeals by the Noquet's to secure a change of use, led to several judgements being made by the national Planning Inspectorate, the most significant in 2012, when Sara Morgan LLB (Hons) MA ruled in a substantial judgement running to many pages that the Cherwell District Council had acted lawfully in imposing an enforcement order on Mr and Mrs Noquet for the material change of use from a public house to a residential dwelling house without planning permission.

The hearing itself It was the culmination an exhaustive and painstaking legal process. The rulings the Inspector made in her final judgement run to 60 paragraphs. The following extracts are taken from these paragraphs:

Section 7 *"At the time of my site visit the ground floor had been converted almost entirely to residential purposes, the bar and most of the public house fittings having been removed, and the whole building was in occupation as a dwelling house.*

Section 10. *“Because the public house use has ceased, the ancillary use cannot exist on its own”.*

Section 25 *“There was little evidence from the appellant to suggest that at the time of this marketing exercise the Bishop Blaize could not be a viable public house in the long term. It had clearly been viable under the previous owners not so very long before. Mr and Mrs Noquet were making losses while the public house was still open but that appears to have been specifically due to a dispute between Mr and Mrs Noquet and the village. That does not mean to say that the Bishop Blaize could not be viable under another operator”*

Section 26 *“I conclude that the marketing exercise carried out by Fleurets does not show that the public house was unviable at that time.”*

The Inspector’s final conclusion was that it had not been shown in the evidence presented that the public would not be viable in the long term, but “it seems likely that given the history of Mr and Mrs Noquet’s dispute with the village, for the public house to re-open it would have to be **under a new owner**”. The appeal was dismissed. The enforcement notice was upheld.

So the Pheasant Plucker/Bishop Blaize would need to be run by a landlord who wanted to be successful in a Public House business for it to be viable.

Nothing has changed in the circumstances of the property or of its owners since they last made a bid to change its use from a pub to a house a year ago. That application was refused, and the owners appealed to the Planning Inspectorate – their 4th appeal. They lost their appeal; but perversely, they have made the judgement made then by Inspector Murray the justification for their re-application. It is the only justification they put forward.

You will see that the re-application is based solely on the unsupported claim that we the local community have “failed to respond to the Planning Inspector’s conclusions of 4<sup>th</sup> July 2018”. And on that basis alone using only their own interpretation of why the community might not have responded, they have applied for change of use.

There were sound reasons why the community might not have responded. And in any case, the fact that interested parties in the village set aside the right the ACV gave them to claim time to develop a bid did not in any way prevent the owners from selling, as they state it was their intention to do.

But they have actually made no attempt to sell the property. It is nowhere on the market, and has not once been advertised. Instead the owners have moved directly and without any further justification to re-apply for change of use. Except for this one reference to the ACV as containing “Fresh Evidence”

#### What’s all this about an ACV?

Cherwell District Council received notification on 5<sup>th</sup> July from the owners of the former Bishop Blaize of their “intention to dispose of the property being an asset of community value”. You will notice in the Application Support Document that Mr Noquet refers to the property at that point as “being for sale”: not the same thing at all. It was not for sale. It was nowhere being advertised, was listed with no agent and had no price associated with it.

The notice triggered a short ‘interim moratorium period’ which closed just 6 weeks later on the 15<sup>th</sup> August. Within that time the community was supposed to have considered making an expression of interest in being a potential bidder for a property that was not yet for sale, had no guide price, terms or

conditions nor any indication of where further particulars and previous business accounts might be obtained as a means of assessing the suitability of the asset for community purchase.

You will notice on the 2<sup>nd</sup> page of the Application support document, under Paragraphs 2.2 and 2.3 there is a paragraph containing a lot of information about the owners' agent's plans to hold off putting the property on the market as a waste of time. You will notice that they make all sorts of suggestions about how the village community might go about making a bid for the property. But this is the first time (as of 5<sup>th</sup> October) any such information has been made publicly available: a full 3 months from when the owners declared their intention to sell, and long after the interim moratorium period for any declaration of interest had closed. And *still* the name of the "expert agent" concerned is not revealed.

#### The references to the report submitted by the David Murray for the Planning Inspectorate

We come to the strange circumstances of the owners' principal claim to a 'material condition' in what is otherwise an entirely unsupported re-application. This is the expression of some personal opinions by David Murray towards the end of his report.

You will see in Section 3 of their supporting statement that the owners have turned the comments he made there into "his wishes", declaring themselves compliant with these as if acting under his instruction. You will see that they have furthermore singled out just one sentence in Section 21 of his report – which in the original was neither italicized nor underlined – and converted his personal opinion that the onus now lies on the local community to demonstrate the pub is viable in the long term into a requirement by the INSPECTOR (capitals added by the owners) on the community to "progress their interest in acquiring the property".

Under the headline, 'The Inspector's decision' in Section 2 of their support document they go further, and in quoting the Inspector's report choose to entirely omit the Inspector's concluding Sections 22 and 23. The Inspector's decision? Take another look at the original document attached.

The inspector's conclusion was not reached at Section 21. His decisions in Sections 22 and 23 were that:

- It had not been demonstrated that the public house premises cannot be made financially viable in the long term
- the proposed change of use of the building to a dwelling house from its lawful use as a public house would conflict with the provisions of saved policy S29 of the 1996 Local Plan, CLPP1 Policy BSC12 and the national policy in the Framework
- this conflict was not outweighed by any other consideration, (our underlining) and the appeal should be dismissed.

#### Demonstrating the pub's viability

We agree with the Inspector's conclusion that he reaches in common with all 3 of the previous inspectors in their reports, that there is nothing to prevent the property being made financially viable in the right hands and with the right team.

Plenty of examples exist locally to demonstrate that:

- market value is set not by the valuations of "expert Agents" as the owners persist in repeating, but by what the market is prepared to pay.
- viability is not determined by the number of people in the area or even the number of other pubs in the area as over and over the owners of the Bishop Blaize seek to demonstrate, but by the person running the pub and the people they attract to work with them.

Examples of attractive, busy and profitable pubs with new management in equivalent village settings locally? Shenington, Whichford, and Hook Norton just to take 3: all of which have pubs that are run by teams of excellent and welcoming staff. Epwell would have been one amongst them until the Chandlers Arms lost its charismatic owner, Assumpta, known I'm sure to many of you: a case in point.

We agree with the Inspector. When the Bishop Blaize acquires the right owner, the onus will be on wider community of the area to respond and confirm the Inspector's own conclusion that nothing has been demonstrated in this re-application that as a public house the premises cannot be made financially viable in the long term.

Nothing has changed since we last commented on their previous planning application, except for this one manipulation of the Asset of Community Value designation.

The BBSG support the Sibford Gower Parish Councils Objection to this planning application.

Please refuse the application.

Signed

Richard Butt

Coordinator for the BBSG