

APP/C3105/W/17/3191365

LPA Reference: 17/01981/F

APPELLANTS STATEMENT OF REBUTTAL:

1. COUNCIL COMMENTS IN RESPONSE TO OUR STATEMENT OF CASE

2.2 The Case Officer (Mr Bob Neville) states that ‘The valuation figures provided during the application were not detailed. It is unclear as to what the valuation was based upon; whether this was based on bricks and mortar or whether it included the business as an on-going concern.’

APPELLANTS REBUTTAL

R1

Mr Neville has been previously sent the Marketing Details compiled by Sidney Phillips which are in our submission extremely clear and precise. We respectfully suggest that the Inspector views other Leading Agents web-sites that specialise in the sale of public houses such as: Fleurets, Christies or Guy Simmonds.

These web-sites will all provide very similar details to those that are produced by Sidney Phillips and in particular our Public House. It can also be seen that many of the Thousands of pubs for sale do not provide Trading Figures and are therefore sold as bricks and mortar which is now the Standard Practise used by many Leading Agents.

R2

The same Sidney Phillips details were downloaded by Mr Larner (Cherwell Council’s ACV Officer) on 17/12/2015, Reference Number 00365286.

R3

On 16th November 2015 Michelle Jarvis (Enforcement Officer for Cherwell Council) wrote to us and challenged the Sidney Phillips Valuation, our email reply is attached.

continued

2.

R4

In addition Mr JJ Keane also downloaded the details on 19/02/2016. The LPA had previously Instructed Mr JJ Keane of Thomas Teague to advise and represent them for 2 previous Applications and also for the Court Enforcement Hearing. At that Court appearance, under oath and on Public Record, Mr Keane told the Judge that he had serious concerns that the pub could still be viable because it had been closed for nearly 10 years. Unsurprisingly the LPA have not instructed Mr JJ Keane (Viability Expert) to act for them in regard to this Application and we believe that is because he could no longer support the LPA's position that the public house is still viable.

R5

At an early stage in our Application process we suggested to Mr Neville that he should engage another Licensed Property Expert to Value our Public House that we believed would agree with our own Expert/s and realistic Valuations and strengthen our case.

R6

At point 3.6 in the BK Report Mr Spencer states '*I understand that the current owners decided to try and sell the property and the business in late 2014 and engaged Sidney Phillips & Co, a national Licensed Property agent to market the property for them. This is dealt with in section 5 below.*'

We cannot find any relevant evidence at point 5 in Mr Spencer's Report that addresses the Marketing Exercise and Valuation of the Public House by Sidney Phillips. Whilst he clearly outlines the negative factors in regard to the viability of public houses, he does NOT comment on the period of Marketing or Valuations and the fact that there were no sensible offers on the business.

continued

3.

R7

For what ever reason Mr Neville chose not to Instruct an Expert to Value the property and therefore in our opinion he has no solid evidence or valid reasons to challenge the Expert Valuations that we have acquired. Furthermore it is inconceivable that any of these Leading Agents would risk their reputations by over-valuing a property. Mr Neville's assertions are unprofessional bearing in mind he is casting doubt and questioning the ability of Sidney Phillips to properly Value and Market a Licensed property. Mr Neville is not an expert on Licensed Properties and has had every opportunity to engage someone that is, in the absence of any Expert Valuation from the LPA our evidence should be accepted and preferred.

R8

Mr Neville has attempted to dilute the strength of the Sidney Phillips Valuation and Marketing exercise and their very detailed particulars of the Public House. He has failed to produce any Professional Evidence that substantiates his claims and therefore his comments are without foundation.

COUNCILS COMMENTS

2.3

Lack of financial details

APPELLANTS REBUTTAL

R9

As we have stated and demonstrated in our previous submissions the pub is not viable under our ownership and that is why we placed the property on the Market in 2015. The crux of our Application and this Appeal relies on 2 main issues, Can the Pub be viable as it currently stands and did any potential buyer believe it could be viable in the future? Furthermore Mr Neville has had numerous emails from ourselves that proved we had literally no Customers and therefore no Trading Figures and very limited Financial Records those of which we did indeed forward to him.

continued

4.

COUNCILS COMMENTS

2.4

CAMRA Viability Test has not been adopted.

APPELLANTS REBUTTAL

R10

The LPA has previously relied on CAMRA's comments to add weight to their position, it is incredible that they now state that the CAMRA Viability Test has not been formally adopted or in other words it is not important or relevant to our Application.

COUNCILS COMMENTS

2.5

Mr Neville states 'The assessment carried out by Bruton Knowles in many respects follows similar principles in its assessment as those set out in the CAMRA Viability Test.'

APPELLANTS REBUTTAL

R11

We cannot find any evidence in the BK Viability Report that endorses these comments, we are somewhat baffled by these remarks. Regardless of this, the BK Viability Assessment clearly concludes that the Public House is not viable as it currently stands.

COUNCILS COMMENTS

2.6

Mr Neville says that our statement "*The BK Viability Report clearly states at 11.2 that the Public House is NOT VIABLE as it currently stands*" is factually incorrect.

APPELLANTS REBUTTAL

R12

We believe that Mr Neville should have looked more closely at the BK Report that clearly concludes '*However it must be stressed that there are certain negative factors THAT CANNOT BE OVERCOME in promoting a different strategy for the Pheasant Pluckers Inn in its current configuration, the two principal ones being lack of a properly fitted, working bar service area and corresponding lack of trading space should a full bar be installed; in my opinion these two factors weigh heavily against the Pheasant Pluckers Inn being viable in its current format.*

continued

5.

R13

Furthermore Mr Paul Feehily the Interim Director of Planning and Regeneration for Cherwell and Northants agrees with our interpretation and in an email to us has said the following:

1. As stated above I have read the report and it covers both the viability of the existing business at the site (concluding that as it stands it wouldn't be viable) as well as the viability of it in the long term (concluding that it has the potential to come viable with additions).

R14

Mr Feehily the most Senior Planning Official for Cherwell Council does agree with our understanding of the BK Viability Report and with full respect to the Inspector that should therefore lead him/her to accept that our ASoC at paragraph 2.1 is factually CORRECT

R15

We therefore submit that our interpretation of the BK Report at 11.2 does imply that the Public House is not viable as it currently stands.

COUNCILS COMMENTS

2.7

Extension and additional Parking. In this respect the council has previously been supportive of expansion of the property in 2006 granting approval for a single storey extension; albeit that this permission was never implemented.

APPELLANTS REBUTTAL

R16

At this juncture Mr Neville now seems to agree with the BK Report that indicates at 11.3 that an extension of the tradable area of the Public House WOULD ALLOW sufficient space for viability. This in affect demonstrates that as it currently stands the Public House is not viable.

R17

We did not implement the planning permission for 2 reasons:

- a. The Condition to provide just 2 additional car- parking spaces involved the building of massive retaining walls that would have been an extremely expensive undertaking and difficult to justify as an additional cost at that time.
- b. We had by then been subjected to a boycott and obviously did not require any more Trading area.

continued

6.

COUNCILS COMMENTS

2.8

Extension and additional parking. Council Officers see no reason why a scheme for a similar sized storey extension would not be supported.

APPELLANTS REBUTTAL

R18

We have calculated that to provide more dining space to accommodate another 35 covers would require a structure of 60 sq metres. In turn according to the Highways Expert Mr Rashid Bbosa Transport Engineer for Cherwell and West Locations we would then be required to provide a further 11 car-parking spaces. In the event of any new Application to extend the trading area the LPA would have to consult with Mr Rashid Bbosa who has already indicated that he would require 11 more parking spaces. Mr Neville has ignored the new Highways Standard in regard to increased customer area and the requirement of more car parking on a much larger scale.

COUNCILS COMMENTS

2.9

Comparisons with other Public Houses in the area, The Bell in Shennington and The Chandlers in Epwell and that there is no substantiated evidence.

APPELLANTS REBUTTAL

R19

In our Appeal Statement of Case we used our combined Professional Experience of operating 4 other public houses for over 20 years in assessing the Viability of The Bell Inn and The Chandlers Arms. We also used the Sales Details of The Chandlers when it was advertised for sale that included its actual Trading Figures. From our very extensive experience in operating both Rural and Town pubs we assessed the viability of both pubs and our estimations are produced within our Appeal Statement at point 3. We believe that our assessments should carry weight purely because of our own previous experience.

continued

7.

R20

We would also respectfully draw the Inspectors attention to the fact that at no point in Mr Neville's Report and Recommendation to Committee does he refer to or indeed acknowledge the existence of The Wykham Arms which already provides the basic and day to day needs for the community. We are concerned that Mr Neville has not included this other public house in his Report to the Planning Committee. We go further and say that the omission of the Wykham Arms is unfair whereby Officers have a duty to give balanced and impartial advice to Committee Members some of whom will have no prior knowledge of the area. Anyone that does not know the Location and reads the Report will conclude that the Pheasant Pluckers Inn is the **ONLY PUB IN THE VILLAGE.**

R21

One of the most important issues in this Appeal is whether the day to day basic needs are provided by a facility within the Village and quite clearly they are met by The Wykham Arms. To not include an important fact in a Report to Committee is unreasonable and unfairly weighted.

COUNCILS COMMENTS

2.10

Third Party Objections and Mr Neville's Statement that there is still significant support for the Public House. There were 33 individual items of correspondence received in objection.

APPELLANTS REBUTTAL

R22

There were actually 36 items of correspondence posted on the Planning web-site in objection to our Application, however many were duplicated or came from the same Households or Families. We have analysed those Third Party comments and have attached a spread sheet that clearly demonstrates that in essence there are only 18 Village family Objections and 5 outside Village family Objections. Most of the follow-up comments came from Mr Butt who has repeatedly stated that he is the Co-ordinator of the Bishop Blaze Support Group. We have addressed the credibility of Mr Butt's claims at point 6 in our Appeal Statement.

continued

R23

Furthermore it now seems that the LPA has at last accepted that Mr Butt's claims are likely fictional and as a consequence they have not referred to the BBSG in their Report to Committee or within their Councils Case.

R24

Mr Neville refers to the Public Meeting held on 20th June 2016 and in essence says that because there were *'approximately 100 residents that were present, is considered sufficient evidence to demonstrate continuing local support, that has been sustained over the numerous applications that have been made by the applicants, over what is now a twelve year period.'*

R25

Mr Neville was not at that Public Meeting on 20th June 2016 however both Jacqueline and Geoffrey Noquet were in attendance. The thrust of the Meeting was aimed at other possible uses for our Pub and Home. We were sat at the back of the Village Hall and had to endure their discussions of suggested other uses for our pub/home.

R26

The Agenda for the Public Meeting was published on the 2 Parish Council web-sites:

The Parish Councils Statement said the following:

Do we want the pub to re-open and in what form?

A successful community purchase may use the Bishop Blaize not necessarily or wholly as a pub, as long as it "will further the social well-being or social interests of the local community" Some suggestions:

Art Centre

Library

Clubhouse

Coffee Shop

Centre for youth work

Facility for the elderly

Hub for Holiday Activities such as biking.

Pony trekking

Holiday lets

Bakery

Micro-Brewery

Parcel Collection service

It also asked for OTHER SUGGESTIONS

continued

R27

Both Jacqueline and I were astounded by the fact that the villagers were discussing other uses for our Pub/Home that they did not yet own. There were many youngsters at the Meeting that obviously wanted a clubhouse or centre for youth work. There were also many elderly people there that probably wanted their own facility or maybe a Library or Coffee Shop.

R28 VILLAGE HALL

A very and sensible lady stood up and in essence said that *'we already have a Pub, why should we acquire another pub when the money should be spent on the Village Hall which is a perfectly good meeting place for the villagers?'* There was very loud applause and mummings of agreement to her comments.

R29 WYKHAM ARMS

Further there was serious concerns expressed about the future viability of The Wykham Arms if our pub re-opened. We believe the owners of The Wykham Arms have endured 11 years of stress and concern, worrying about the possible re-opening of the Bishop Blaze and the obvious harmful affect it would have on their livelihood and future.

R30 WYKHAM ARMS

In The Wykham Arms on Friday night the 23rd March 2018 the only 2 diners in their pub came from our Shepherds Hut and there were approximately 8/10 other people in the bar. This should have been a busy Week-End Night for the only trading pub in the Village, obviously it was not and importantly custom from our own facilities buoyed their sales and contributed to their viability.

From our recent experience we estimate that visitors to our Holiday Cottage and Shepherds Hut combined, use both The Wykham Arms and the Village Shop some 4 or 5 times each week.

continued

10.

R31 PUBLIC MEETING

We concluded from that Public Meeting that there was no real support for the Public House to remain a Public House in the future. This is borne out by the fact that even after the Chairman for SFPC advised the attendees that they must form a Consortium/Steering Group to progress the ACV, they have not done so.

R32

The Sibfords are the oldest Quaker Community in the World, a fact of which they are rightfully very proud.

Quakers are not forbidden from using alcohol or tobacco (although these substances are banned from Quaker Meeting Houses), but most

Quakers avoid them, or consume them moderately.^{3 Jul 2009}

We respectfully submit that this Quaker Community is probably not concerned about having 2 Public Houses (Drinking Establishments) and that is endorsed by the fact that they were considering other uses for our property.

R33

Our Case is further strengthened by the fact that at the Sibford Gower Parish Council Meeting on 9th October 2017 held to discuss if and how they would object to our Planning Application for Change of Use.

There were just 12 members of the public in attendance including ourselves and not the 16 local inhabitants as stated by the Chairman.

R34

At the Sibford Ferris Parish Council Meeting on 25th April 2018 held to discuss how they should go forward in regard to our Appeal, Geoffrey Noquet was the only member of the public in attendance.

R35

To summarise the issue of continued significant evidence of local support for the public house, in our submission there is no longer any current significant evidence. Therefore the LPA should have only considered the Actual Third Party Objections to our Planning Application and not have considered or included a Public Meeting when the Agenda was to discuss OTHER USES for the property.

continued

11.

COUNCILS COMMENTS

3.2

PREVIOUS APPEAL DECISIONS:

APP/C3105/C/12/2170904 Inspector: Sarah Morgan

APP/C3105/A/13/2190714 Inspector: Jane Mills

“ Aside from the passage of time and changes in the economic climate, it is considered that there has been no significant change in the context of the site since these previous decisions. It remains the opinion of the Council, supported by local views of the Parish Council and local residents, that there is still a desire within the local community to see the Pheasant Pluckers Inn (formerly Bishop blaze) retained as a public house and become once again a valuable community asset.”

APPELLANTS REBUTTAL

R36

Quite obviously we were acutely aware of the Importance of the 2 previous Inspectors Decisions and at no point do we attempt to undermine them.

However we do firmly believe that there are now significant changes to this new Appeal in context of the site in real terms, in regard to those previous Decisions.

R37

Both Inspectors found that our Valuation and Marketing Evidence at those times was flawed and they were both right to form that conclusion.

For those reasons we felt that it was imperative that we needed to ensure that any new Application dealt with the issue of Value and Marketing in the most robust way possible. To that end we sought Valuations from 4 Experts in the Licensed Trade Industry.

We believe that we have now convincingly provided very strong data that demonstrates that this Fresh Evidence is beyond doubt and therefore negates those previous concerns and Appeal Decisions in regard to Value, Viability and Marketing.

continued

12.

R38

In 2012 and 2013 the Inspectors were convinced that albeit in 2006, there were 2 different styles of Trading Models and previously successful village facilities provided by The Wykham Arms and The Bishop Blaze (The Pheasant Pluckers Inn). The former being a Gastro Pub and the latter being a Drinking Establishment that provided low cost food. However we respectfully say that was not factually true because there were 11 different Tenants/families in The Wykham Arms that failed to operate viably from 1996 until 2006.

Both Inspectors were also convinced that the views enjoyed by customers at The Bishop Blaze was also an important factor and provided a competitive edge over other public house in the area.

R39

There are indeed wonderful views that do however rely on good weather and in Britain we all know that is few and far between. Whilst the views are quite spectacular in good weather they are not a drawing power for most of the year.

R40

The following Public houses within this location also have unique beer gardens and stunning views:

The Castle, Edge Hill.

The Chandlers, in Epwell.

The Gate Hangs High, in Hook Norton.

The Duck on the Pond, in Wiggington.

The Gate, in Brailes.

The George, in Brailes

The Stag, in Swalcliffe.

The Saye and Selle, in Broughton.

The Joiners Arms, in Bloxham.

The Plough In Upper Wardington, now closed.

The Masons Arms in Swereford, now closed.

The Black Boy in Milton, now closed.

The White Horse, in Wroxton, now closed.

continued

13.

R40

We submit that many hundreds out of the 12 Thousand pubs that have now closed may well have had marvellous views and that obviously did not make them viable in the long-term.

R41 In this new BK Viability Report commissioned by the LPA in 2017 Mr Spencer does not at any point state that the garden views assists and gives a commercial edge and adds to the viability of the public house. In fact the BK Report clearly concludes that the only realistic future trading model would be as a Gastro Pub, a replica of the trading style of The Wykham Arms which obviously would affect the viability of that business.

R42

The Sidney Phillips sales details quite clearly show photographs of the Views available at the Pheasant Pluckers Inn. The 3237 persons that downloaded the details obviously were not convinced that these views gave the pub an important competitive edge.

R43

What else has changed in the passage of time, IN THE LAST 5 YEARS, since both of the Inspectors Decisions?

The LPA have commissioned a Bruton Knowles Viability Report that clearly concludes that the future viability of the pub relies on more trading area. At point 7.4 in the BK Report Mr Spencer states '*the third use would be as a wet-led community local, a format in which the business apparently traded some years ago, this also being the style of pub that has suffered the greatest attrition IN THE LAST 5 YEARS.*'

R44

Since 2013 at least another 6,000 pubs have closed and Major Supermarkets are now Home Delivering, providing wine, spirits, beer, cider and Meal-Deals including wine at a fraction of pub prices.

R45

There is no longer any significant local support for The Pheasant Pluckers Inn (formerly the Bishop Blaze).

R46

There is now a Self Contained Holiday Cottage that has added value to the property of circa £175K as assessed by Property Agents Finders Keepers. The pub has been refurbished with new ladies toilets, a new bar and an extensive catering kitchen at a further cost of £27K.

continued

14.

R47

What else has happen during the last 5 years?

We were evicted from our Home/Pub which resulted in Mr Geoffrey Noquet suffering both serious Mental and Physical Health problems that continue to this day. Because Mr Noquet was made homeless, caused by Cherwell Councils Enforcement Action and the fact he was a pensioner his new rental accommodation was in the main funded by Oxfordshire Council. During the period of living away from his home those rental costs paid for by the Council amounted to approximately £18K. These circumstances caused Mr Noquet to have long bouts of severe depression and that lead him to place the pub back on the Market, finish the Holiday Cottage and return his family back to their own home and re-open the pub.

R48

What else has changed apart from the passing of time since 2013?

Mr Richard Butt is recorded as being an Interested Person at both of the previous Appeals, the first a Public Inquiry and the second a Local Hearing.

At no stage did Mr Butt provide any substantiated evidence that proved his claims that he did actually represent a Support Group. He gave testimony at both The Public Inquiry and Appeal Hearings and said that he represented some 500 people that would all use the Bishop Blaze if it re-opened. Mr Butt did not provide any factual evidence of his submissions and at that time his comments should have been disregarded. We go further and state that Mr Butt probably mislead previous Inspectors and the LPA and made claims that were very likely untrue.

continued

15.

**R49 What other significant Changes have there been since 2013.
Copy of the information sent to Mr Neville.**

We re-opened the Pub on Sunday 10th July 2016 providing bar facilities and serving Sunday Lunches. For most rural pubs their busiest day is on Sunday and because Jacqueline works Monday to Friday, Sunday was the obvious day on which to roll-out the business. We employed 2 teenagers from the village with the intention of training them to work both in the kitchen and waiting on tables. It was hoped that if our sales on Sundays would reach at least £500 then we would and could have extended our opening hours to Saturdays and if that day was successful then Fridays and so on. We also promoted an Italian Night from the 19th August for Saturday 10th September with discounts on bookings; we placed 'A' Boards on the B4035 and outside the pub and promoted the event on our website page. Not 1 person came other than the two guests staying in the Holiday Cottage.

It soon became very clear that there was little if any support from the Sibford Villagers. We had to lay-off the two trainees and since then my wife and I continued to work on Sundays without any other staff. In simple terms the absence of support or no trade levels dictated that we did not require staff and obviously we could not afford to pay them.

We will provide you with our sales figures and outgoings since 10th July and from them you should determine that our main source (95%) of income is generated through the existing Holiday Cottage and those visitors are in general the only people using the Pub. It should also convince you that the public house is not viable and is suffering unacceptable losses.

continued

16.

R50

When we re-opened the pub in July 2016 with new Branding and prominent signage; on the first Sunday our Sales were approximately £350 which was very encouraging. However from then on Sales declined and we experienced 8 Sundays of no custom at all and similarly on Christmas Day not 1 customer.

R51

In 2016 Mr Oswyn Murray (Chairman of Sibford Gower Parish Council) was advised to make a Public Apology to ourselves by Cherwell Councils Legal Officer. He found that Mr Murray had misled his parishioners by stating at a Parish Council Meeting that our Public House was over-valued by some London Agents. Mr Murray did indeed make a Public Apology to ourselves and for that we are grateful.

CONCLUSIONS:

R52

At the time of writing this Rebuttal Statement we cannot find any CASE LAW example of a Planning Precedent that supports any LPA's Planning Refusal of Planning Permission based on a structure that does not exist In Terms of Proving Actual Viability.

R53

We further state that by making their Decision based on a hypothetical Building the LPA has imposed a costly burden on ourselves that is founded on pure conjecture. The LPA's decision is financially punitive, factually unsubstantiated and is therefore utterly, utterly unreasonable.

R54

Mr Neville has not addressed our examples of the financial failure of The Black Boy in Milton or the LPA's Decision to Grant Change of Use for The Plough the ONLY PUB in Upper Wardington. At no point in Mr Neville's Report to Committee or the Councils Case does he acknowledge the existence of The Wykham Arms (the other village Public House).

Continued

17.

R55

In the event that we are subjected to Further Enforcement Actions that makes us homeless again then we would not be able to continue operating the Holiday Letting Cottage or the new Shepherds Hut that both provide significant trade for The Wykham Arms and the Village Shop as demonstrated above.

If our appeal is Allowed we intend to continue providing Holiday Accommodation in both facilities that will contribute to the viability and sustainability of The Wykham Arms and the Village Shop.

R56

The LPA have spent £4K of public monies on a Viability Report that inadvertently supports our case and they should have accepted that the Report added immense weight to our Application. We note that there is no rebuttal from Mr Spencer of Bruton Knowles in regard to our Appeal Statement.

R57

In the last decade at least 12,000 Public Houses have closed which is approximately 20.7% of the total number of pubs in the Country that used to trade profitably. The 11 families that operated The Wykham Arms and the family that we employed to run the Bishop Blaze and ourselves account for 13 families that have all lost their homes and businesses.

At some stage common sense must prevail and accept that times have changed, social habits have changed, the economy has suffered and pubs are no longer used as frequently as they used to be.

R58

Mr Neville has unsuccessfully attempted to discredit the Valuation and Marketing Exercise carried out by Sidney Phillips. The Marketing Exercise should overrule any issue of Viability because it clearly demonstrates that no individual, Pub Company or Community Group believes the Public House can ever become Viable again.

R59

Throughout Mr Spencer's Viability Report he states that the only viable and future trading model for The Pheasant Pluckers Inn should be as a Restaurant and Bar Style Operation and that is classed as A3. The current Planning Classified Authority is actually A4; therefore Mr Spencer's conclusions are based on a different category of Planning Permission of which there is no Consent.

continued

R60 ACV

We have provided 6 examples of public houses that were ACV listed that have been Granted Change of Use to Residential on Appeal. There are probably many more examples to come where communities have not taken up their options to make bids on other ACV listed pubs. The community has had a 2 year period to progress their option to make a sensible bid on our property and they have not done so. Furthermore a Public Meeting was held to discuss Other Uses for the property.

R61

We respectfully submit that the Inspector has now been provided with fresh and compelling new evidence that is significantly different to the 2 previous Appeals.

R62

Even if there was still a significant level of local support for the public house to re-open, of which there is no proven evidence, the BK Viability Report and the Marketing Exercise carried out by Sidney Phillips clearly demonstrates that the Public House is no longer Viable as it currently stands.

R63

At point 9.3 in Mr Neville's Report to Committee he states, 'On the basis of the application and the contributions received, it has not been conclusively demonstrated that the EXISTING FACILITY is not viable in the long-term.'

This advice and recommendation to The Planning Committee Members was quite wrong simply because it was in direct conflict to the Bruton Knowles Viability Report. The contributions received came from their own Viability Expert and our evidence of which clearly concludes that the Public House is NOT VIABLE AS IT CURRENTLY STANDS.

continued

19.

R64 Third Party Comments to this Appeal:

At the time of writing this Rebuttal Statement we have, as yet, not received any Third Party Comments from PINS to our Appeal.

The LPA was clearly advised in The procedure Start Date Letter that by 04 April 2018 they must notify any person who was notified or consulted about the application in accordance with the act or a development order and any other interested persons who made representations to them about the application, that the appeal has been made. The LPA should tell them:-

i) that any comments they made at application stage will be sent to the Case Officer and the appellants and will be considered by the Inspector (unless they withdraw them within the 5 week deadline). If they want to make any additional comments they must submit 3 copies within 5 weeks of the starting date, by 02 May 2018. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned;

Whilst we find that it is extremely surprising not to have received any additional Third Party Comments we can only conclude that this further demonstrates a significant lack of Public Interest and as a consequence adds immense weight to our submissions.

R65 Finally

The LPA has given no weight to our Marketing Exercise and has not produced any of their own substantiated evidence that supports their position and Refusal of our Application. In the absence of any opposing or strong evidence our submissions should be preferred.

The LPA have Refused our Application based on a structure that does not exist and we submit that this cannot be right.

We respectfully ask that for all of the above reasons this Appeal is Allowed.

Signed:

Dated:

Mr Geoffrey Richard Noquet.

Mrs Jacqueline Eileen Noquet

From: [REDACTED]
To: michelle.jarvis@cherwell-dc.gov.uk
Subject: Bishop Blaze- Sale of Public house
Date: Fri, 27 Nov 2015 00:31:53 +0000

Dear Madam,

In regard to your letter of 16th November 2015.

Firstly let me say that I believe that your letter was triggered by a very spiteful man, Richard Butt. I will be asking for full disclosures if in the event that this matter is put before a Court and Jury.

In regard to your assertions that John Keane's evidence was accepted is completely wrong, my Barrister decimated Mr Keane's testimony as being extremely prejudiced. Further my Selling Agent of that time was not in Court and did not give any evidence.

In relation to the sale, I would like to refer you to the fact that regardless of any previous valuations, one of which in 2007 was by J J Keane as £575K, when the pub was closed.

This new valuation was carried-out by an eminently more qualified expert than Mr Keane, our agent is a highly respected professional who is a Director of one of the major Selling Agents of Licensed Premises.

Mr Keane has 1 if not 2 public houses on his web-site for sale, Sidney Phillips has hundreds.

I find your last comments as being somewhat threatening whereby you infer that I have over-valued the pub when the fact is that the valuation has been carried out by a true and independent expert.

I have passed your letter to Sidney Phillips.

Regards

Geoff Noquet

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LPA Reference: 17/01981/F

APPELLANTS REBUTTAL TO THIRD PARTY COMMENTS:

DATED: 1st June 2018.

We are somewhat disappointed that we have just returned from our vacation to find that there are indeed some Third Party Comments to our Appeal of which we should have received By 02 May 2018. Regardless of this we understand that PINS is obviously stretched at this time due to their workload and whilst we have effectively only 1 working day in which to respond we submit the following rebuttal:

1. LOCAL SUPPORT FOR THE PUBLIC HOUSE:

There is no longer any significant evidence of local support for the retention of the Public House as demonstrated by the low numbers of Third Party Comments. We analyse that there are now only 8 Objections from Sibford Gower Households and 6 from Sibford Ferris families bringing the total of community Objectors to 14.

There are also 9 Comments from outside the community, some that come from as far and wide as London, Plymouth, Bristol, Chipping Norton and Villages some distance from the Public House.

We respectfully submit that this does not demonstrate or amount to any Significant Local Support for the retention of the Public House.

2. CLAIMS AND ACCUSATIONS:

The comments to our Appeal in general make the same unsubstantiated claims and accusations and we therefore do not feel the need to waste the Inspectors time and respond to them. Our previous submissions deal with every aspect of these repetitive and somewhat hurtful allegations.

continued

2.

3. BISHOP BLAZE SUPPORT GROUP (BSBG)

Notwithstanding the above we respectfully draw the Inspectors attention to the fact that Mr Butt is no longer claiming that he has vast numbers of members of his support group. He has now resorted to attacking the credibility of Sidney Phillips and their Reputation as Valuation Experts within the Licensed Trade Industry, their Valuation of the Public House was supported by 3 other Leading Agents. Importantly the Valuations include the new Holiday Cottage.

4. VIABILITY AND TRADING OF THE 2 VILLAGE PUBS.

Not 1 person has challenged our evidence that from 1996 until 2006 there were 11 different families that tried to run the Wykham Arms profitably whilst the Bishop Blaze was trading viably. We believe that fact overwhelmingly demonstrates that there is only enough local trade to support 1 Pub, also endorsed by Mr Spencer in his Bruton Knowles Viability Report.

5. RE-OPENING OF THE PUBLIC HOUSE:

At the Public Meeting in June 2016 Jaqueline Noquet addressed the attendees and invited them to come and enjoy drinks and food at her re-furbished public house.

The re-branded Pheasant Pluckers Inn opened in July of 2016 with prominent permanent signage plus banners and large free-standing boards at the front of the building and also next to the open gates. Unfortunately we received little support and were forced to close the kitchen and restaurant in February 2017 and therefore removed most of the signage because it advertised food. We continued to open the bar albeit for limited hours and made sales of approximately £20 in total over the next eight month period.

continued

3.

CONCLUSIONS:

The LPA has not provided any evidence of continued significant Local Support for the retention of the public house, because there is no evidence.

The LPA or Third Parties cannot refute the Valuation of the Public House because they have no Expert Evidence.

Given the limited time-frame in which to respond to the Third Party Comments we rely on the above and all of our previous evidence and submissions as our rebuttal.

We respectfully ask that the Inspector considers the above and all of our previously submitted and honest evidence and Allows our appeal.

Signed:

Dated:

Mr Geoffrey Richard Noquet.

Mrs Jacqueline Eileen Noquet

APPEAL: REF: APP/C3105/W/17/3191365

THIRD PARTY COMMENTS

HOUSEHOLDS/FAMILIES

| | | |
|--|---------------|--------------------|
| ALLEN | SIBFORD GOWER | 2 |
| PIGEON | SIBFORD GOWER | 2 |
| BUTT | SIBFORD GOWER | 6 |
| MULLEY | SIBFORD GOWER | 2 |
| DUGGINS | SIBFORD GOWER | 1 |
| WHITE | SIBFORD GOWER | 1 |
| SKONQOUSKA | SIBFORD GOWER | 1 |
| DAVIS | SIBFORD GOWER | 1 |
| HAYNES | SIBFORD GOWER | 1 |
| WEST | SIBFORD GOWER | 1 |
| BANNISTER | SIBFORD GOWER | 1 |
| BOYD | SIBFORD GOWER | 1 |
| TOTAL OF 12 HOUSEHOLDS/FAMILIES | | 20 COMMENTS |

| | | |
|---------------------------------------|----------------|-------------------|
| HICKS | SIBFORD FERRIS | 1 |
| WASS | SIBFORD FERRIS | 1 |
| HOPKINS | SIBFORD FERRIS | 1 |
| THOMAS | SIBFORD FERRIS | 1 |
| GOULD | SIBFORD FERRIS | 1 |
| BRYAN | SIBFORD FERRIS | 1 |
| TOTAL OF 6 HOUSEHOLDS/FAMILIES | | 6 COMMENTS |

OUTSIDE VILLAGE COMMENTS

| | | |
|---------------------------------------|-------------|--------------------|
| TAYLOR | SHUTFORD | 5 |
| WOOLGROVE | SHUTFORD | 1 LATE |
| CHECKLY | WIGGINGTON | 1 |
| RADCLIFFE | CHIP NORTON | 1 |
| McAULAY | BANBURY | 1 |
| DYER | HOOK NORTON | 1 |
| TOTAL OF 6 HOUSEHOLDS/FAMILIES | | 10 COMMENTS |

A TOTAL OF 18 FAMILY COMMENTS FROM THE SIBFORDS

A TOTAL OF 6 FAMILY COMMENTS FROM OUTSIDE THE VILLAGES