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**From:** Richard Butt [REDACTED]  
**Sent:** 06 March 2017 15:33  
**To:** West1  
**Subject:** APP/C3105/W/16/316565  
**Attachments:** BBSG to INSPECTORATE 06.03.16.pdf; Record of opening and shutting to 6th March 2017.pdf; 3. Press statement published by Cherwell District Council.pdf; 2. Bishop Blaize history.pdf; 4i.BBSG Objection 06 11 2014\_HP.pdf; 3136680 - Appeal Decision.pdf

## **A further representation from the Bishop Blaize Support Group**

**Date 06/03/2017**

**Reference: APP/C3105/W/16/316565**

**Appellant/Applicant** Mr Geoffrey Noquet  
FAO Planning Inspector Ms Jagoda Bartkowiak  
The Planning Inspectorate, 3P KITE WING,  
Temple Quay House, 2 The Square, Temple Quay,  
Bristol, BS1 6PN

Please find attached representation  
Regards

Richard Butt  
Coordinator for the 544 supporters of the BBSG



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## **A further representation from the Bishop Blaize Support Group**

Date 04/03/2017

Reference: APP/C3105/W/16/316565

**Appellant/Applicant** Mr Geoffrey Noquet  
FAO Planning Inspector Ms Jagoda Bartkowiak  
The Planning Inspectorate, 3P KITE WING,  
Temple Quay House, 2 The Square, Temple Quay,  
Bristol, BS1 6PN

Dear Jagoda Bartkowiak,

We understand that you will be supplied with all previous submissions objecting to the original planning application so we take the opportunity of highlighting:

- what we take to be the core of the argument put by the applicant, and
- what we take to be the fundamental underlying issue.

### **The core of the argument**

The core of the argument is that the applicant can't make the pub pay, and therefore must resort to developing an alternative source of income extending their holiday let provision.

Arguing as he has done ever since 2007 that the reason for the pub failing is failure of the village to support - a nonsense in 2007 (quote from that submission) and a nonsense now.

Making no attempt to actually run the pub as a pub – and would state that for a Public House to have any chance of being viable it would need to be open more than the current 2 to 3 hours a week, the Chandlers Arms at Epwell which is open 7 days a week from 11am until 11pm week days and 11am until 12pm weekends a total of 87 hours. The couple that own and run the Chandlers Arms do not need letting bedrooms or holiday lets for the Chandlers Arms to be a very profitable Public House.

The BBSG share the belief of the Sibford Gower Parish Council that the truth is that the property is not in any case operating as a public house as required by the Oxford Magistrates Court Decision of 29<sup>th</sup> September 2014.

Failure to sell the Pub led to the applicant to resume trading in the summer of 2016 but for the six months from July to December it was hardly ever open for more than 3 hours a week, and then only for pre-booked 'Sunday lunches'. For a brief period in December, opening hours were extended to occasional lunch time opening Tuesday to Friday but the Sunday lunches became infrequent before lapsing altogether in January. (See attached record of opening and shutting times)

As such the applicants have been living in breach of the enforcement order ever since they resumed occupation of the building in 2015 and began restoring it to a private dwelling – which it remains for the greater part of the week.

All the while the applicant resorts instead to blaming the villagers, blaming the Parish Council – and more recently blaming the Cherwell District Council.

### The fundamental underlying issue

We take the fundamental underlying issue to be the 10 year long history of what the Sibford Gower Parish Council rightly describe in their own submission as vexatious abuse of planning procedure.

In the case of Application **16/02030/F** | Erection of a single storey building providing 3 No en-suite letting rooms, a re-submission of **16/01525/F** | **The Pheasant Pluckers Inn Burdrop Banbury OX15 5RQ**

in the light of what the case officer described at the time as the significant public interest, the application was referred to planning committee for determination.

If you had attended the debate of the Cherwell Planning Committee on the evening of 15 December 2016 you would have seen high levels of weariness and frustration expressed repeatedly all around the room that is entirely lost in the dry exchanges about the roof heights, the impact on a rapidly dwindling car-park space and whether or not the proposed building would impede the view of a protected area of outstanding natural beauty.

The manipulation of the planning officer by the applicant indicating - in correspondence submitted by the applicant after the closing date for the application - that an appeal would immediately follow were the committee to turn down the application is an example of his vexatious abuse of planning procedure.

We have added a number of attachments for reference that we believe provide some measure of the scale of that abuse.

There follows a list of attachments supporting our statements

- The BBSG record of the pub being open or shut.
- A record of the applications made
- Add copy of the press statement issued by Cherwell District Council after the applicant and his wife's conviction at the Oxford Magistrates Court in October 2014
- A copy of the BBSG submission to the last Planning Inspector in 2014 (with all the plans and photos demonstrating that the pub had already been converted into a house simply as an example of a history that cannot be disregarded in each ensuring application as the District Council by their own terms of references have been bound to do.

- The formal findings of Mrs J.A.Vyse in 2014.

Yours sincerely

Richard Butt Coordinator for the 544 supporters of the BBSG

### Pheasant Plucker Inn OX155RQ open dates and hours

	Jul-16	Time	Date
Sunday	Open	12pm	10-07-16
	Shut	6pm	
Friday	Open	shut	15-07-16
	Shut	shut	
Saturday	Open	shut	16-07-16
	Shut	shut	
Sunday	Open	12	17-07-16
	shut	5	
Friday	Open	shut	22-07-16
	Shut	shut	
Saturday	Open	shut	23-07-16
	Shut	shut	
Sunday	Open	12:00 AM	24-07-16
	Shut	4:00 PM	
Friday	Open	shut	
	Shut	shut	
Saturday	Open	shut	
	Shut	shut	
Sunday	Open	12:00 AM	31-07-16
	Shut	3:00 PM	
August	Aug-16		
Friday	Open	shut	05-08-16
	Shut	shut	
Saturday	Open	shut	06-08-16
	Shut	shut	
Sunday	Open	shut	07-08-16
	Shut	shut	
Friday	Open	shut	12-08-16
	Shut	shut	
Saturday	Open	shut	13-08-16
	Shut	shut	
Sunday	Open	12.30	14-08-16
	Shut	3.30	
Friday	Open	shut	19-08-16
	Shut	shut	
Saturday	Open	shut	20-08-16
	Shut	shut	
Sunday	Open	12.30 pm	21-08-16
	Shut	2.30pm	
Friday	Open	shut	26-08-16
	Shut	shut	
Saturday	Open	shut	27-08-16
	Shut	shut	
Sunday	Open	shut	28-08-16
	Shut	shut	
Friday	Open	shut	02-09-16
	Shut	shut	
Saturday	Open	shut	03-09-16

	Shut	shut	
Sunday	Open	12.30pm	04-01-16
	Shut	3.30 pm	
			06-09-16
Fiday	Open	shut	09-09-16
	Shut	shut	
Saturday	Open	7.30pm	10-09-16
	Shut		
Sunday	Open	12.25pm	11-09-16
	Shut	3.00 pm	
Fiday	Open	shut	16-09-16
	Shut	shut	
Saturday	Open	shut	17-09-16
	Shut	shut	
Sunday	Open	shut	18-09-16
	Shut	shut	
Fiday	Open	shut	23-09-16
	Shut	shut	
Saturday	Open	shut	24-09-16
	Shut	shut	
Sunday	Open	12.30pm	25-09-16
	Shut	No record	
Fiday	Open	shut	30-09-16
	Shut	shut	
Saturday	Open	shut	01-10-16
	Shut	shut	
Sunday	Open	12.30pm	02-10-16
	Shut	3.30pm	
Fiday	Open	shut	07-10-16
	Shut	shut	
Saturday	Open	shut	08-10-16
	Shut	shut	
Sunday	Open	12.30pm	09-10-16
	Shut	3.30pm	
Fiday	Open		07-10-16
	Shut		
Saturday	Open		08-10-16
	Shut		
Sunday	Open	12.30pm	09-10-16
	Shut	3.30pm	
Fiday	Open	shut	21-10-16
	Shut	shut	
Saturday	Open	shut	22-10-16
	Shut	shut	
Sunday	Open	12.30pm	23-10-16
	Shut	3.30pm	
Fiday	Open	shut	28-10-16
	Shut	shut	
Saturday	Open	shut	29-10-16
	Shut	shut	

Sunday	Open	12.30pm	30-10-16
	Shut	3.30pm	
Fiday	Open		04.11.2016
	Shut		
Saturday	Open	8pm	05.11.2016
	Shut	shut	
Sunday	Open	shut	06.11.2016
	Shut		
Fiday	Open		11-11-16
	Shut		
Saturday	Open	8pm	12-11-16
	Shut	shut	
Sunday	Open	12.45	13-11-16
	Shut	after 3.25pm	
Fiday	Open		18-11-16
	Shut		
Saturday	Open	shut	19-11-16
	Shut	shut	
Sunday	Open	shut	20-11-16
	Shut	shut	
Fiday	Open	shut	25-11-16
	Shut	shut	
Saturday	Open	shut	26-11-16
	Shut	shut	
Sunday	Open	12.30pm	26-11-16
	Shut	3.30pm	
Xmas day	Open	12 till 2pm	25-12-16
	Shut	shut	26-12-16
	Shut	shut	27-12-16
	Shut	shut	28-12-16
	Shut	shut	29-12-16
	Shut	shut	30-12-16
	Shut	shut	31-12-16
	Shut	shut	01-01-17
	Shut	shut	02-01-17
Tuesday	Open	12.05 till 2p	03-01-16
Wednesda	Open	12.05 till 2p	04-01-16
Thurs	Open	12.05 till 2p	05-01-16
Friday	Open	12.05 till 2p	06-01-16
Saturday	Shut	shut	07-01-17
Sunday	Shut	shut	08-01-17
Monday	Shut	shut	09-01-17
Tuesday	Open		10-01-17
Wednesda	Open		11-01-17
Thursday	Open		12-01-17
Friday	Open		13-01-17
Saturday	Shut	shut	14-01-17
Sunday	Shut	shut	15-01-17
Monday	Shut	shut	16-01-17
Tuesday	Open	12.05 till 2p	17-01-17

Wednesday	Open	12.05 till 2p	18-01-17
Thursday	Open	12.05 till 2p	19-01-17
Friday	Open	12.05 till 2p	20-01-17
Saturday	Shut	shut	21-01-17
Sunday	Shut	shut	22-01-17
Monday	Shut	shut	23-01-17
Tuesday	Shut	shut	24-01-17
Wednesday	Shut	shut	25-01-17
Thursday	Open	12.05 till 2p	26-01-17
Friday	open	12.30 till 2.	27-01-17
Saturday	Shut	shut	28-01-17
Sunday	Shut	shut	29-01-17
Monday	Shut	shut	30-01-17
Tuesday	Shut	shut	31-01-17
Wednesday	Shut	shut	01-02-17
Thursday	Shut	shut	02-02-17
Friday	open	12.30 till 2.	03-02-17
Saturday	Shut	shut	04-02-17
Sunday	Shut	shut	05-02-17
Monday	Shut	shut	06-02-17
Tuesday	Shut	shut	07-02-17
Wednesday	Shut	shut	08-02-17
Thursday	open	12.30 till 2.	09-02-17
Friday	open	12.30 till 2.	10-02-17
Saturday	Shut	shut	11-02-17
Sunday	Shut	shut	12-02-17
Monday	Shut	shut	13-02-17
Tuesday	Shut	shut	14-02-17
Wednesday	Shut	shut	15-02-17
Thursday	open	12.30 till 2.	16-02-17
Friday	open	12.30 till 2.	17-02-17
Saturday	Shut	shut	18-02-17
Sunday	Open	12 till 2.30	19-02-17
Monday	Shut	shut	20-02-17
Tuesday	Shut	shut	21-02-17
Wednesday	Shut	shut	22-02-17
Thursday	Shut	shut	23-02-17
Friday	open	12.30 till 2.	24-02-17
Saturday	Shut	shut	25-02-17
Sunday	Shut	shut	26-02-17
Monday	Shut	shut	27-02-17
Tuesday	Shut	shut	28-02-17
Wednesday	Shut	shut	01-03-17
Thursday	Open	12 till 2pm	02-03-17
Friday	Shut	shut	03-03-17
Saturday	Shut	shut	04-03-17
Sunday	Shut	shut	05-03-17



**Press statement published by Cherwell District Council (see <http://www.cherwell.gov.uk/index.cfm?articleid=10257>)**

A couple who turned a public house into a residential dwelling without planning permission will have to pay more than £17,000 in court costs after being found guilty of failing to comply with a planning enforcement notice.

At Oxford Magistrates' Court on Monday (29 September), District Judge Stephen Day ordered Jacqueline and Geoffrey Noquet to each pay £8,527.50 in legal fees and be subject to a 12 month conditional discharge for the offence relating to the Bishop End - formerly the Bishop Blaize - in Burdrop.

At a previous hearing in August, Gary Grant , prosecuting on behalf of Cherwell District Council, told the court that between 21 June 2013 and 19 September 2013, the married Noquets had ignored a planning enforcement notice which prohibited the premises being used solely as a residential dwelling following the closure of the pub in 2007.

Speaking at the August hearing, Mr Grant said: "By the time the enforcement notice was issued the whole of the building had changed to use as a residential dwelling house. There is no convincing evidence that the Noquets were ready willing and able to open for business after that closure."

The defendants' first planning application for a change of use relating to the site was refused in 2006 and since then six subsequent applications for a change of use have all been refused.

In 2007 the pub ceased trading and in February 2012 Cherwell issued the enforcement notice which was upheld on appeal in October the same year. It was for this notice that the couple were found to be in breach of after an investigation in 2013 found they had been using the property as a residential dwelling.

During the course of the case the court heard claims from Graeme Sampson, defending, that Mr and Mrs Noquet had suffered "boycotts" from members of the Bishop Blaize Support Group (BBSG) and no longer lived in the village. Furthermore, since purchasing the site Mr Sampson claimed Mr and Mrs Noquet had suffered significant financial loss and had made unsuccessful attempts to sell the property.

Mr Sampson added the couple had spent "considerable sums fighting this case" over the years which equated to a figure of about £30,000.

"This isn't a case of two guilty people flouting the planning laws to make a financial gain," said Mr Sampson.

"They are two hard working people of good character who came into the most bizarre and tragic situation which ruined their lives."

In delivering his decision on the case, District Judge Day said he was taking the "unusual step" of not fining the couple but would be sentencing them to the conditional discharge and ordering them to repay the council's legal costs. In imposing his sentence, District Judge Day had regard to the defendants' previous good character and the likelihood they had not gained financially from the offence.

"The criminal case isn't concerned with boycotts or parish councils," he said.

"I'm therefore left with the duty to evaluate the evidence and apply the law. It was clear Mr and Mrs Noquet had been in occupation of the premises in the period. The notice had been served and was valid. Mr and Mrs Noquet feel badly treated by the community but fortunately I don't have to adjudicate on those matters.

"In assessing the penalty for this sort of offence there is a statutory duty to consider the financial benefit that has been accrued or likely to accrue as a result of this offence. There seems to be very little prospect of financial benefit; the real penalty in this case is the costs."

Cllr Michael Gibbard, lead member for planning at Cherwell, said: "This case should serve as a severe warning that failing to comply with the planning system, including enforcement notices, is a serious offence which can prove extremely costly. Planning permission is not optional nor can it be ignored and it is important that enforcement notices are adhered to in order to protect the integrity of the planning system. The defendants in this case were fully aware they did not have permission to change the use of this building but did so regardless and although they are fortunate to have avoided a fine, they have now paid a heavy price in legal costs."

Property History 0100119006679/Bishops End Street Through Burdrop Burdrop, Banbury OX15 5RQ

- [Address](#)
- [Property History \(35\)](#)
- [Constraints \(8\)](#)
- [Map](#)

## Planning Applications (17)

- [2 No. pre-destination directional signs to public house. \(RETROSPECTIVE\)](#)  
Ref. No: 01/00716/ADV | Status: APPREF
- [Single storey extensions to bar area and to form a new freezer store and replacement garden store, as amended by plans received 5.11.99.](#)  
Ref. No: 99/01783/F | Status: Application Permitted
- [Single storey bar extension to provide non-smoking restaurant facility.](#)  
Ref. No: 06/00248/F | Status: Application Permitted
- [Retrospective - 3 no. free standing signs \(in accordance with drawing received on 09/11/06\)](#)  
Ref. No: 06/01579/ADV | Status: Application Permitted
- [Change of use from licenced premises to dwelling house.](#)  
Ref. No: 06/01697/F | Status: Application Refused
- [Resubmission of 06/01697/F - Change of use from licenced premises into dwelling house](#)  
Ref. No: 07/00630/F | Status: Application Refused
- [Alterations and extension to barn to provide 4no. en-suite letting rooms.](#)  
Ref. No: 09/01275/F | Status: Application Withdrawn
- [Change of use from closed public house to dwelling](#)  
Ref. No: 09/01557/F | Status: Application Withdrawn
- [Certificate of Lawful Use Existing - Use as a single dwelling house](#)  
Ref. No: 12/00011/CLUE | Status: Application Refused
- [Change of use of a vacant public house to C3 residential \(as amended by site location plan received 18/07/12\)](#)  
Ref. No: 12/00678/F | Status: Application Refused
- [Certificate of Lawful Use Existing - Use as a single dwelling house](#)  
Ref. No: 12/00796/CLUE | Status: Application Refused

- [Retrospective - New roof to barn; 3 No rooflights and door installed to the upper floor](#)  
Ref. No: 13/00116/F | Status: Application Permitted
- [Change of use of a redundant barn/store into a 1 bedroom self-contained holiday letting cottage](#)  
Ref. No: 13/00781/F | Status: Undetermined
- [Certificate of Lawful Use Existing - Change of use from A4 to A1.](#)  
Ref. No: 13/00808/CLUE | Status: Application Refused
- [Certificate of lawful use existing - A1 use for the sale of wood burning stoves and fireside accessories](#)  
Ref. No: 13/01511/CLUE | Status: Application Returned
- [Certificate of Lawful Use Proposed - Change of use from A4 to A1.](#)  
Ref. No: 14/01383/CLUP | Status: Application Refused
- [Removal of conditions 3 and 4 of planning permission 13/00781/F to allow occupation of holiday let cottage as a separate dwelling](#)  
Ref. No: 15/01103/F | Status: Pending Consideration

## Planning Appeals (9)

- [Appeal against](#)  
Ref. No: 12/00024/ENFAPP | Status: Appeal Dismissed
- [Change of use of a vacant public house to C3 residential \(as amended by site location plan received 18/07/12\)](#)  
Ref. No: 13/00001/REFAPP | Status: Appeal Dismissed
- [Certificate of Lawful Use Existing - Change of use from A4 to A1.](#)  
Ref. No: 13/00041/REFAPP | Status: Appeal Withdrawn
- [Change of use of a redundant barn/store into a 1 bedroom self-contained holiday letting cottage](#)  
Ref. No: 13/00042/NONDET | Status: Appeal Allowed
- [Certificate of Lawful Use Existing - Use as a single dwelling house](#)  
Ref. No: 13/00071/REFAPP | Status: Appeal Invalid
- [Appeal against](#)  
Ref. No: 13/00073/ENFAPP | Status: Appeal Dismissed
- [Appeal against](#)  
Ref. No: 14/00015/ENFAPP | Status: Appeal Valid
- [Appeal against](#)

Ref. No: 12/00068/ENFAPP | Status: Appeal Dismissed

- [Certificate of Lawful Use Proposed - Change of use from A4 to A1.](#)

Ref. No: 14/00037/REFAPP | Status: Appeal In Progress

## Planning Enforcements (6)

- [Enforcement Enquiry](#)

Ref. No: 12/00020/ECOU | Status: Case Closed

- [Enforcement Enquiry](#)

Ref. No: 12/00050/EUNDEV | Status: Case Closed

- [Enforcement Enquiry](#)

Ref. No: 13/00259/ECOU | Status: Case Closed

- [Enforcement Enquiry](#)

Ref. No: 13/00383/EUNDEV | Status: Appeal Lodged

- [Enforcement Enquiry](#)

Ref. No: 15/00087/EUNDEV | Status: Pending Consideration

- [Enforcement Enquiry](#)

Ref. No: 15/00192/EUNDEV | Status: Pending Consideration

## Properties (0)

## Building Control Applications (3)

- [Extensions to bar and kitchen store](#)

Ref. No: 00/00006/OTHFP | Status: Building Started

- [Internal alterations, level floor, repair exterior walls and raise for new roof, new doorway and three roof lights](#)

Ref. No: 13/00302/OTHRGD | Status: Building Notice Approval

- [Installed a Gas Boiler](#)

Ref. No: CP/GASAFE/02279/2014 | Status: Building Work Completed

## Licensing (0)

## Licensing Application (0)

Date.24th November 2014

For the attention of the Planning Inspector considering

**Appeal APP/C3105/X/14/2227213**

The Bishop Blaize Support Group offers the following comments on this appeal.

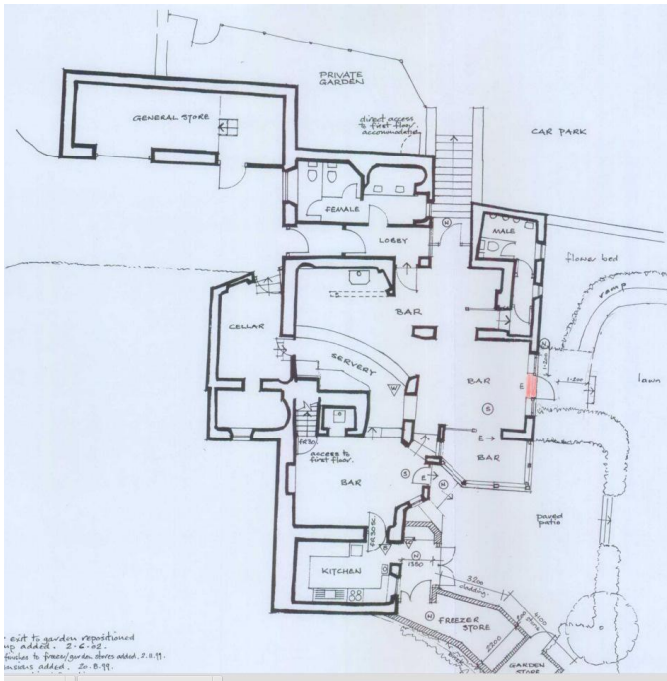
The 515 supporters of Support Group agree with Cherwell District Councils decision to refuse Mrs J Noquets application 14/01383/CLUP. Several of our supporters noted that this decision of the Council had been made before the target determination date on the LPA web site of 10th October 2014. They cannot understand why Mrs Noquet has even been allowed an appeal on the grounds of non-determination of the 14/01383/CLUP application.

In the event that the appeal is not immediately dismissed we would ask you to consider the following facts:

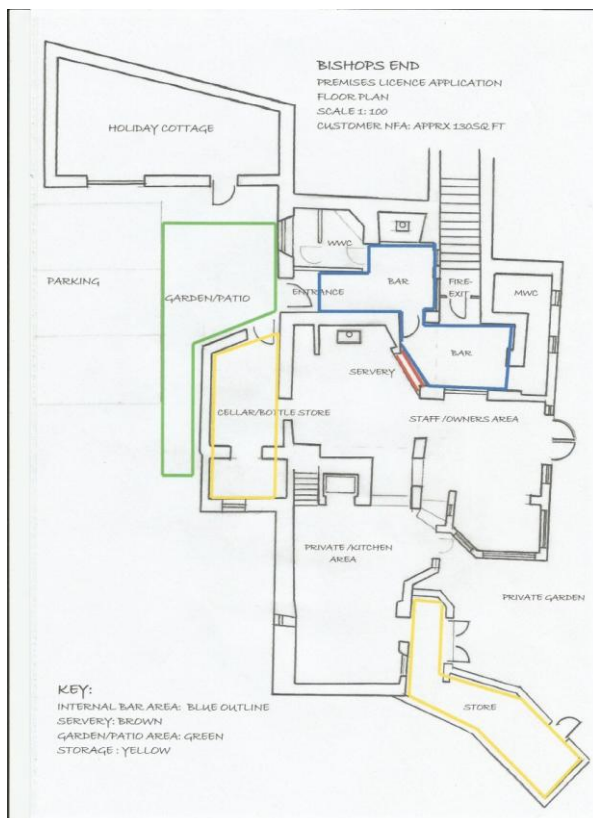
- The Bishop Blaize/End is situated in an area of outstanding natural beauty and is also a conservation area where by planning applications are normally expected to be made in full and are subject to the laws governing AONB and the Conservation area.
- An earlier planning application [13/00808/CLUE | Certificate of Lawful Use Existing - Change of use from A4 to A1] made by Mrs Noquet on Thu 30 May 2013 was also refused. On that occasion too the applicants appealed the refusal - only later to withdrew the appeal.
- The appeal **APP/C3105/X/14/2227213** is for the applicant to be allowed to convert A4 use to A1 against the wishes of the local District Council. We would wish to bring to the Inspectorate's notice that it is actually some time since the property has functioned as a public house, and that it has meanwhile been turned into a dwelling without the necessary C3 planning permission, and already advertised on the open market as such.

The following floor plans and internal photograph of the property make the scale of this transformation - undertaken in the face of an enforcement order - quite clear.

In 2006 the floor plan of the Bishop Blaize was as per the plan below



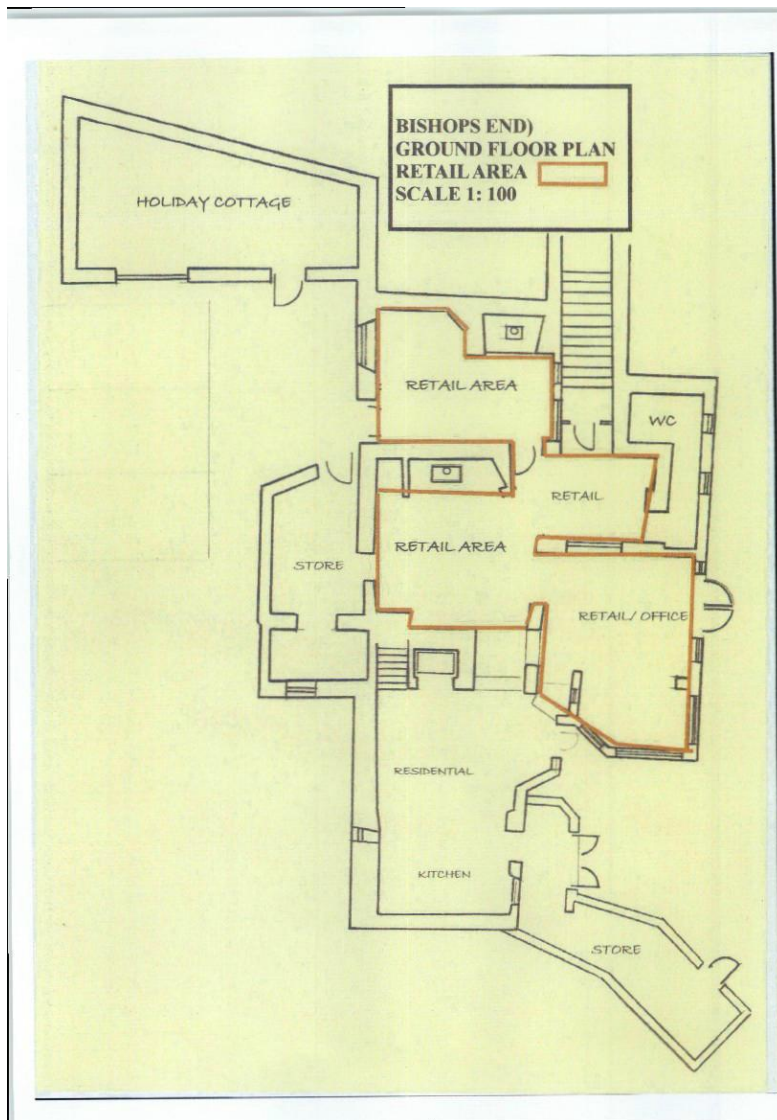
By 2013 the floor plan of the property had changed dramatically as the plan below clearly demonstrates. The original pub kitchen had been fully converted to a domestic/private kitchen and part of the former restaurant is detailed as an 'owners area'.



By July 2014, part of the Bishop Blaize /End was on the open market for sale by the estate agents Mark David. All pretence at maintaining any remaining structures or facilities of the original pub was dropped. The pub's original bottle store was by now a 'holiday cottage' and the pub's car-park had already been test-marketed as the site for a further two houses. We have attached the sale details for that part of the property which was for sale. Both the floor plan and the photographs demonstrate quite clearly the entire transformation of the A4 property to C3 use.

[ sale details attached]

- In the current application the plan below was submitted after the applicant realised that the original plan she had submitted would reveal too much of the extent of this transformation and would not support her application. The residential area has been re-apportioned to a part of the property and the title 'Retail Area' has been attached to the remainder.





- No mention was made in Mrs Noquet's application of the accommodation at the Bishop Blaize/End, nor were any plans submitted in respect of it. As the recent court judgement upholding both an earlier National Inspectorate Ruling and CDC's enforcement order made very clear, the three/two bedroom flat situated on the first floor is subject for its use as accommodation to the A4 use of the property as a whole and can only be used by the staff running the Bishop Blaize as a Public House.
- The applicants who are property developers are fully aware of planning law as they have made numerous planning applications over the past 10 years or so.

The following is offered by way of example simply of the number of appeals they have made in respect of the Bishop Blaize/End

<ul style="list-style-type: none"> <li>• <a href="#"><b><u>Certificate of Lawful Use Proposed - Change of use from A4 to A1.</u></b></a></li> </ul>
<p>Bishops End Street Through Burdrop Burdrop Banbury OX15 5RQ            Ref. No: 14/00037/REFAPP   Received: Sun 12 Oct 2014   Status: Appeal In Progress</p>
<ul style="list-style-type: none"> <li>• <a href="#"><b><u>Appeal against</u></b></a></li> </ul>
<p>Bishops End Street Through Burdrop Burdrop Banbury OX15 5RQ            Ref. No: 14/00015/ENFAPP   Received: Mon 24 Mar 2014   Status: Appeal Valid</p>
<ul style="list-style-type: none"> <li>• <a href="#"><b><u>Appeal against</u></b></a></li> </ul>
<p>Bishops End Burdrop Banbury OX15 5RQ            Ref. No: 13/00073/ENFAPP   Received: Wed 06 Nov 2013   Status: Appeal Dismissed</p>
<ul style="list-style-type: none"> <li>• <a href="#"><b><u>Certificate of Lawful Use Existing - Use as a single dwelling house</u></b></a></li> </ul>
<p>Bishops End Burdrop Banbury Oxfordshire OX15 5RQ            Ref. No: 13/00071/REFAPP   Received: Tue 05 Nov 2013   Status: Appeal Invalid</p>
<ul style="list-style-type: none"> <li>• <a href="#"><b><u>Certificate of Lawful Use Existing - Change of use from A4 to A1.</u></b></a></li> </ul>
<p>Bishops End Burdrop Banbury OX15 5RQ            Ref. No: 13/00041/REFAPP   Received: Tue 13 Aug 2013   Status: Appeal Withdrawn</p>
<ul style="list-style-type: none"> <li>• <a href="#"><b><u>Change of use of a redundant barn/store into a 1 bedroom self-contained holiday letting cottage</u></b></a></li> </ul>
<p>Bishops End Burdrop Banbury OX15 5RQ            Ref. No: 13/00042/NONDET   Received: Fri 09 Aug 2013   Status: Appeal Allowed</p>
<ul style="list-style-type: none"> <li>• <a href="#"><b><u>Change of use of a vacant public house to C3 residential (as amended by site location plan received 18/07/12)</u></b></a></li> </ul>

Bishops End Burdrop Banbury Oxfordshire OX15 5RQ

Ref. No: 13/00001/REFAPP | Received: Wed 09 Jan 2013 | Status: Appeal Dismissed

- [Appeal against](#)

Bishops End Street Through Burdrop Burdrop Banbury Oxfordshire OX15 5RQ

Ref. No: 12/00068/ENFAPP | Received: Tue 01 May 2012 | Status: Appeal Dismissed

- [Appeal against](#)

Bishops End Street Through Burdrop Burdrop Banbury Oxfordshire OX15 5RQ

Ref. No: 12/00024/ENFAPP | Received: Wed 15 Feb 2012 | Status: Appeal Dismissed

The applicants have also made (25) Planning Applications and associated appeals in respect of their previous property Darrah Farm situated in Berkshire.

We believe the reputation and standing of the entire planning process is being brought into disrepute by the action presently being pursued by the applicant. The 515 supporters of the BBSG would ask you to dismiss this appeal.

Yours sincerely

Richard Butt

Coordintaor for the BBSG



## Appeal Decision

Site visit carried out on 14 March 2016

**by Mrs J A Vyse DipTP DipPBM MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 March 2016**

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**Appeal Ref: APP/C3105/W/15/3136680**

**Cottage at Bishop's End, Street Through Burdrop, Burdrop, Oxfordshire OX15 5RQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr G R Noquet against the decision of Cherwell District Council.
  - The application, No 15/01103/F, dated 12 June 2015, was refused by a notice dated 19 August 2015.
  - The application sought planning permission for conversion of a redundant barn/store into a one bedroom and bathroom self-contained holiday letting cottage without complying with two conditions attached to planning permission No 13/00781/F, granted on appeal on 17 February 2014 (Appeal Ref: APP/C3105/A/13/2203382).
  - The conditions in dispute are:
    - No 3, which states that *The building shall be used for holiday lets only and remain ancillary to the property 'Bishop Blaize/Bishop's End'. The building shall not be used for any other purposes, including those within Class C of Schedule 2 to the Town and Country Planning (Use Classes)(Amendment)(England) Order 2005.*
    - and
    - No 4, which states that *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.*
  - The reason given for condition No 3 is *To ensure that the use is not separated from the main planning unit of Bishop Blaize/Bishop's 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.*
  - The reason given for condition No 4 is *To ensure that the premises are used for holiday lets and not permanent residential accommodation.*
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### Decision

1. For the reasons that follow, the appeal is dismissed.

### Procedural Matters

2. At the start of the site visit, it became clear that the red and blue lines marked on the site location submitted with the appeal were not the same as those shown on the plan held by the Council in relation to the planning application. I was shown the correct plan, which was agreed by the appellant, and a copy of was subsequently forwarded to me. It is important, since the application the subject of the appeal relates to a condition on an earlier permission – the two plans must correlate. In addition, it was confirmed that another plan, showing three parking spaces and a garden area that was submitted with the appeal, did not form part of the application. The parking spaces and garden lie outwith the defined application site.
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3. It is clear that there is a degree of antagonism between the appellant and some local residents. However, the demeanour of the parties is not a planning matter. I confirm that I have made my decision only on the planning merits of the respective cases before me and have come to the case with an open mind, considering all matters afresh. In the light of comments in the grounds of appeal, I would also stress that the key guiding principles for Planning Inspectors are openness, fairness and impartiality. Among other things, I am required to maintain a high level of integrity and objectivity when examining the issues and evidence before me. I have observed those principles in coming to my decision.
4. There is reference in the documentation before me to applications having been made by local residents to secure listing of the public house as an Asset of Community Value (ACV). All, including the latest, have been unsuccessful.

### **Main Issues**

5. The appellant seeks, in effect, to 'remove' the appealed conditions to enable the holiday let accommodation to be occupied as a separate dwelling. On the basis of the evidence before me, I consider the main issues in the appeal to be:
  - whether future occupiers would be provided with acceptable living conditions, having particular regard to noise, smell and amenity space provision;
  - and the effect of the proposal on the trading potential/viability of the public house.

### **Reasons for the Decision**

#### *Living conditions for future occupiers*

6. The appeal premises comprise a converted stone building (previously a bottle store for the public house) that lies immediately in front of, and is set at right angles to a larger building that was a public house. It sits end on to the road and is attached to the public house premises at one corner, although there is no direct internal link between the two buildings. At the time of my visit, whilst the public house was not trading as such, works appeared to be underway with a view to bringing it back into use.
7. It is clear from the Inspector's Decision relating to use of the appeal building to a self-contained holiday letting cottage, that the close proximity of the accommodation to the pub, and the absence of adequate amenity space and parking, meant that it was not suitable for independent residential use. To that end, the two appealed conditions are interrelated: condition 3 sets out that the unit shall be used as holiday let accommodation only, with condition 4 defining what is meant by the term holiday let.
8. Dealing firstly with the matter of parking, another of the conditions attached to the planning permission required the provision, prior to the use commencing, of a single parking space. Although the Council advises that no such details have been submitted pursuant to that condition, even though the use has commenced (the conversion works had been completed and the unit was occupied at the time of my visit) I have no reason to suppose that the requisite number of parking spaces connected with use of the building as an independent dwelling could not be accommodated were the appeal to succeed, although

they would be on land outwith the application site, albeit land currently under the control of the appellant.

9. Moving on then to proximity of the accommodation to the pub and amenity space provision. The ground floor of the holiday let comprises a combined kitchen/living area looking directly onto a parking area in front of the pub, adjacent to the front door to the pub. A staircase leads directly from the ground floor into the first floor bedroom, which has an en-suite bathroom. Land to the rear is higher than at the front. As a consequence, access to the rear is at first floor level, directly from the bedroom. A door leads out onto what was, at the time of my visit, a small slabbed amenity area with some grass, enclosed by trellis fencing, which backs directly on to the main pub car park. The Council advises that the amenity space area is currently unauthorised and comments that it reduces the amount of parking available for pub customers. I have, nevertheless, assessed it in relation to the development proposed.
10. It seems to me that the small amount of living space available is likely to increase the importance of having a reasonable standard of private external amenity space were the accommodation to be used as a separate dwelling. In my view, the small area at the rear is deficient in terms of both size and privacy, although I recognise that replacing the trellis fencing with close board fencing would improve the privacy aspect. Moreover, it is not part of the same planning unit as the holiday let, being outside the red line application site. In any event, I consider the extent and quality of the space, particularly having regard to its intimate relationship with the pub car park, with the car park entrance to the pub located just a few metres away, to be inadequate for an independent dwelling. As a consequence, future occupiers would not be provided with adequate living conditions in this regard.
11. The building has a very intimate relationship with the large car park at the rear, the parking area to the front, and the pub itself. Indeed, the front door to the appeal building, and its large front window, are very close to the front door to the pub, immediately adjacent to an area of parking there. Whilst the Council refers to potential problems in relation to cooking odours, I understand the pub kitchen to be at the far end of the main building. I am satisfied, in this regard, that there would not, in principle, be a material problem in this particular regard. However, it seems to me that the juxtaposition of uses would be likely to give rise to problems of noise and disturbance on occasion. There would also be implications for the privacy of future occupiers. Whilst those shortcomings may be tolerated by holiday makers or others who would be in occupation for limited periods, I am not persuaded that the arrangement provides acceptable living conditions were the building to be occupied on a permanent basis, as a separate dwelling.
12. The appellant draws attention to other public houses elsewhere with adjoining dwellings, in particular the Bell Inn at Shenington, the Stag's Head at Swacliffe, the Chandlers Arms at Epwell and the Lampet Arms at Taddmarton. However, from the photographs provided, it would appear that the relationship between the public houses and the adjacent dwellings is very typical, sitting side by side with both having street frontages, as opposed to the more intimate relationship that exists between the buildings at the appeal site. Moreover, the properties in question appear to be materially larger than the appeal premises, with nothing to indicate that any of the dwellings provide anything other than

appropriate living conditions for permanent occupation. Those properties are not, therefore, directly comparable to the arrangement before me, which I have considered on its own merits.

13. As acknowledged by the appellant, conditions such as those imposed here can be appropriate when a building is not suitable as a permanent dwelling. That is exactly the reason they were imposed in this case. Other than the addition of an apparently unauthorised area of outdoor amenity space, which space I have found in any event to be inadequate, and the commencement of refurbishment of the pub, nothing has changed in terms of the physical relationship between the properties since the permission was granted on appeal. I consider, as did my colleague, that occupation of the building on a permanent basis would be inappropriate having regard to the living conditions that would prevail for future residents. Were the appeal to succeed, there would be conflict with saved policy C30 of the Cherwell Local Plan 1996<sup>1</sup>, which requires that conversion schemes provide acceptable standards of amenity and privacy for occupiers. There would be conflict too with the National Planning Policy Framework (the Framework) which seeks to ensure, among other things, that developments create attractive and comfortable places to live. Indeed, one of the core principles of the Framework requires a good standard of amenity for all existing and future occupants of land and buildings.

*Trading potential/viability of the public house*

14. It would seem that the public house closed in around 2006/7, not long after it was purchased by the appellant, and has not traded as such since then. At the time of my visit, however, internal works were underway, apparently with a view to bringing the premises back into use as such. Indeed, the lawful use of the premises remains as a public house with ancillary residential accommodation.
15. In dealing with the previous appeal, the Inspector found that the holiday let use then proposed would not be likely to prejudice the public house use. Indeed, he considered that it was not unusual for a rural pub to also offer some form of holiday accommodation and he found that, in principal, the use accorded with the Framework, which supports sustainable rural tourism and the expansion of rural businesses and enterprises, especially through the conversion of rural buildings.
16. In relation to the development proposed however, there is concern that use of the appeal building as a separate dwelling would have implications for the running of the public house and thus its viability. I am mindful, in this regard, that paragraph 123 of the Framework recognises that development will often create some noise and that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. Paragraph 70 of the Framework also requires that planning decisions should ensure that established facilities are able to develop and modernise.
17. Were the appeal building to be occupied as a separate dwelling, its occupants would expect a greater level of amenity than would holiday occupiers,

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<sup>1</sup> The development plan includes the saved policies of the Cherwell Local Plan 1996 and the more recent Cherwell Local Plan 2011-2031 Part 1 (adopted in July 2015). No policies of particular relevance in the later plan are drawn to my attention.

particularly in relation to matters such as noise and disturbance and privacy. The intimate relationship of the two buildings, in particular the close proximity to the main pub car park of the rear of the appeal building and the proposed amenity space, together with the proximity of the front door and large front facing window of the appeal building to the front door of the pub and smaller parking area, would have the potential, it seems to me, to result in a conflict of interests at times. In turn, that could have implications for the trading practices of the public house and its ongoing viability, contrary to one of the main thrusts of the Framework, namely that of supporting a prosperous rural economy. There would also, potentially, be conflict with Local Plan policy S29, which resists proposals that would result in the loss of existing village services.

#### *Other Matters*

18. The appellant maintains that the holiday let accommodation could be sold off as a separate unit at any time. In support of that position, my attention is drawn to the Bell Inn at Shenington. The appellant advises that accommodation there (which was not holiday accommodation) was subject to a condition that it should not be sold or leased as a separate unit, which condition was removed by the Council in 2014. However, it would appear from the Counsel's opinion provided in support of the application for removal of that condition, that the development proposed in that case was considered acceptable in planning terms. That is not the case here where there are implications in terms of the living conditions for future occupiers and, potentially, for the ongoing viability of the public house.
19. In any event, the wording of the condition in that case is very different from those the subject of this appeal, which do not state that the building shall not be sold or leased separately from the main building. Rather, they requires that the holiday let remains ancillary to the main use of the premises as a whole, namely as a public house. As a consequence, were the holiday let to be sold off, it would become a separate planning unit. In such circumstances, it is likely that there will have been a material change of use, given that ancillary or incidental use rights do not continue after the cessation of the primary use. In essence, activities carried on within a single planning unit cannot be regarded as ancillary to activities carried on outside that unit. On that basis, it seems to me that selling off the holiday let would be unlawful in the absence of a planning permission for its use as a separate planning unit.
20. The appellant maintains that the Council has prevented him from occupying the residential accommodation that is part and parcel of the adjoining public house. That is not my reading of the planning history. Residential occupation of the pub is permissible where it is ancillary to use of the premises as a public house. It is occupation of the building wholly for residential use that would be unlawful. It is also argued that the absence of a residential presence associated with the pub creates difficulties in terms of greeting holiday let guest, giving out keys, collecting payments etc, as well as missed opportunities for walk-in nightly and weekend lets. However, no substantiated evidence is before me to demonstrate that the commercial viability of the holiday let is so compromised that the lawful use would cease. Indeed, the unit was occupied at the time of my visit. Moreover, in my experience, holiday lets are often managed at a distance, with arrangements and payments made on-line or by telephone, with local cleaners going in when lettings change over. In any

event, as noted above, it would seem that the pub is currently being refurbished, presumably with a view to bringing it back into use.

21. The appellant advises that the pub is currently on the market and that several interested purchasers have expressed a wish to live in the holiday let accommodation and to let out the pub bedrooms, the implication being that the appealed conditions are inhibiting the sale. Again, however, no substantiated evidence is before me to corroborate that. Any arrangement along the lines indicated would need to be considered formally by the local planning authority in the first instance, through the submission of a formal planning application. Even then, it seems to me that the arrangement suggested would still retain the appeal premises as ancillary to the public house use, as opposed to occupation as a separate dwelling, with no evidence that such an arrangement would be likely to harm the viability of the public house.

### **Conclusion**

22. I recognise that the creation of a small market dwelling is a benefit that attracts some positive weight in the planning balance, although that weight is tempered by the scale of the development. Similarly, any increased local spend by future occupiers would be limited in scale and would have to be weighed against the potential harm that I have identified to the future viability/trading potential of the public house. That said, I have no reason to suppose that holiday occupiers would not spend locally. Although it is suggested that the present situation means that the building stands empty for most of the year, there was no substantiated evidence in this regard. Indeed, the building was clearly in occupation in mid- March, at the time of my visit.
23. In the overall planning balance, I find that the adverse impacts I have identified are not outweighed by the benefits and there is nothing that leads me to the view that my determination should be made other than in accordance with the development plan and the Framework in this regard. Thus, for the reasons set out above, the appeal does not succeed.

*Jennifer A Vyse*

INSPECTOR