

## A representation from the Bishop Blaize Support Group

Date 04/03/2017

Reference: APP/C3105/W/16/3165654

**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 **16/02030/F**, so we take the opportunity if we may, 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 cannot make the pub pay, and therefore must resort to developing an alternative source of income extending their holiday let provision.

Two arguments were posted on the District Council's planning website by the applicant as further argument in favour of their original proposal to expand the existing Holiday Let accommodation into the car park of the pub, having seen the level of local opposition the proposal had evoked, not least from both Parish Councils.

They can be summarized in a neatly conceived circular justification: the owners cannot afford to open the pub as a pub because Mrs. Noquet has another job elsewhere... They cannot afford to pay anyone else to staff the pub because they don't have enough letting income. The "future of the pub is therefore at risk", as they wrote, if CDC don't support their application that will enable them to increase their letting income.

As if it will then be the District Council's fault that the pub fails –just one more appeal step away from Mr.and Mrs. Noquet's original determination which they have now returned to in 8 previous applications – that they be allowed a 'change of use' or a 'certificate of lawful use existing' to C3 residential use.

BBSG share the belief of the Sibford Gower Parish Council that the property is not in any case operating as a public house as required by the Court Decision of 29<sup>th</sup> September 2014, [[Press statement published by Cherwell District Council 2014.pdf attached](#)], and the owners are making no serious attempt to run it as a pub.

In November 2014, the owners appealed again – seeking once again to convert the pub into a private house (C4 to A1)– already refused the year before in May 2013. We attach our submission to the Inspectorate at the time. It includes scale drawings of the changes that had in fact already taken place. [\[Attached: BBSG Objection 06 11 2014.pdf\]](#) The attached brochure tells its own story. [\[Bishop’s End brochure.pdf\]](#)

Failure to sell at the price the owners were asking led the applicant to finally 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 nominal ‘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 2017; and the weekday openings have become occasional and haphazard, signaled only by a temporary pop-up board that is removed once the car park gates are closed. [\[BBSG Record of opening and shutting to March 4<sup>th</sup> ‘17 attached\]](#).

All permanent signage to the pub has been taken down.

The applicant has stated that the Pheasant Plucker Inn as they choose now to call it, is not viable without a further three letting bedrooms with en suite facilities. To have any chance of being viable, any pub would need to be open more than 3 or 4 hours a week. Just by way of comparison, the Chandlers Arms at Epwell – a pub in a nearby village with an even smaller population than Sibfords 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 decision of the Inspectorate on the question of the viability of the property as a pub has been clear since the hearing by Sara Morgan in August 2012 [\[August 2012 Appeal Decision Sara Morgan.pdf attached\]](#), for example in her Report at Point **53**.” I conclude that as it has not been shown that the public house would not be viable in the long term....” and at Point **56**: “The current value of the property does not show that the public house is not financially viable in the long term”. And as she wrote at Point **54** “the public house has been closed for some years, and the decision to close it was Mr. and Mrs. Noquet’s.”

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

It is hard in these circumstances to give any credence to the applicant’s concern for the viability of the pub. While Mr. and Mrs. Noquet remain the landlords, if the pub is at risk it is because they have lost the support of the entire community. It is perhaps not surprising. What the owners think of the villagers of Sibford Gower and Sibford Ferris is perfectly evident in the names they chose for the pub, first of ‘Bishops End’ and then of the ‘Pheasant Pluckers Inn’ in place of the Bishop Blaize. The childhood playground tongue twister could hardly be more explicit, and has caused great offence in the village.

## 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.

We have included a number of attachments for reference that we believe provide some small measure of the scale of that abuse, including those made by previous representatives of the National Inspectorate.

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**, - and 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 Steering Committee on the 15<sup>th</sup> December '16, you would have seen high levels of weariness, almost despondency, expressed repeatedly all around the room at the year-in year-out wearing down of the committee's will by this particular applicant over the last 10 years. This is entirely lost in the dry exchanges recorded about roof heights, the impact on a rapidly dwindling car-park and whether or not the proposed building would impede the view of a protected area of outstanding natural beauty.

The applicant has been critical of the committee in his summary of their meeting in his appeal statement, but truth to tell the committee's deep frustration is at the constraints of planning convention placed on all of them - and on the officers of the planning department - that they are all obliged to address only the narrow criteria of any one planning application without any reference to the broader history or the inference that might be drawn from the overall pattern of applications over time.

Incidents like these push the reputation of planning itself to the very edge of disrepute when it can be seen that local planning provision can be so easily manipulated. This will be the 11<sup>th</sup> planning appeal Mr. and Mrs. Noquet have made in the history of their ownership of the pub. The current planning application is the 19<sup>th</sup> they have made.

This was no ordinary application. In itself, this was the third attempt by the owners to extend the property out into the car park of the pub. The first was an application in 2013 put in by a third party for two houses to test the council's resolve; it was turned down. The second **Planning Application 16/01525/F** was refused only four months ago. But this is the 19<sup>th</sup> of a drip feed of applications that have besieged the local Council for the last 10 years, 8 of which have been applications for change of use to a private dwelling. The applications have been punctuated at regular intervals by a further 9 planning appeals, the involvement of the National Inspectorate in 3 week-long court hearings, and 6 enforcements. [see [Bishop Blaize history.docx attached](#)]

The history makes clear that no application is ever independent of those that precede it, and it is our contention that this application can only properly be understood in the context of that history.

And yet:

- beyond citing the history of applications, re-applications and failed appeals in its preamble, the Council's Planning Officer's report on the original application made no inference from these and drew no conclusions from them for the Committee to discuss.
- The report accepted entirely uncritically the applicants premise that the pub is not presently viable, despite Sara Morgan's judgement for the Inspectorate cited earlier.
- And it did not go near acknowledging that recommending acceptance of the application would give implicit permission to the applicant to continue to occupy the main building meanwhile as a private dwelling – thereby disregarding the terms of the present District Council enforcement order still in place on the building that forbids occupancy of the accommodation so long as the premises are not being used as fully functioning public house. That has been in place since the court judgment of 2014, and was referenced again by Mrs. J.A.Vyse in her March 16 judgment [[Appeal decision Mrs. Vyse March 2016.pdf attached](#)]

All three of these were taken as being outside the officer's terms of reference and none of the three was discussed directly at the Planning Committee's meeting. It was left to the chairman of the Parish Council in his presentation to the committee to name what we take now to be the underlying fundamental issue: the vexatious abuse of planning procedures by the applicant over a decade.

The planning officer had been made subject to – in our view – a philosophically dishonest double-bind spelled out in the original application in different places in 3 variants:

"Now is the time for a planning officer to be impartial and brave enough to accept this small community CANNOT SUPPORT 2 Pubs"

"The only fair and reasonable decision that you can make is to Grant my Application"

"I am taking the only possible action to save the pub".

In other words, if the Planning Officer and indeed the Planning Committee itself was to be impartial and brave and fair and reasonable, and if the CDC Planning committee and/or all the Sibford residents were not otherwise to be held entirely responsible for the pub failing, the Council had no option but to agree to the application.

And in correspondence continued with the Planning Officer after the closing date for submissions, the appellant made very clear that were the Committee not to agree, he would move immediately to appeal. [[Correspondence Geoffrey Noquet to Bob Neville.pdf from the CDC planning portal attached](#)]

The Council did not agree. The appellant has appealed. It seems to us that it is now you as Inspector who are made subject to this double-bind which we sincerely hope you will resist for what it is.

Our principal concern were this appeal to succeed – is that will bring all Council regulation finally into complete disrepute locally and continue to give encouragement to the owners that their ambitions for further speculative building both on the existing site and on the adjoining land – including the ‘withdrawn’ application submitted on their behalf earlier in the 2013 for two new detached houses in the grounds of the pub – can then proceed with little likelihood of any further enforcement action.

Attachments (in sequence as presented)

**Press statement published by Cherwell District Council 2014.pdf**

**BBSG Objection 06 11 2014.pdf**

**Bishop’s End brochure.pdf**

**BBSG Record of opening and shutting to March 4<sup>th</sup> ‘17**

**August 2012 Appeal Decision Sara Morgan.pdf**

**Bishop Blaize history.docx**

**Appeal decision Mrs. Vyse March 2016.pdf**

**Correspondence Geoffrey Noquet to Bob Neville.pdf**