

**The Pheasant Pluckers Inn
Street Through Burdrop
Burdrop
Banbury
OX15 5RQ**

17/01981/F

Applicant: Mr Geoffrey Richard Noquet

Proposal: Change of use from A4 to C3 (ACV Listed)

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr Ken Attack
Cllr George Reynolds
Cllr Douglas Webb

Reason for Referral: In light of public interest

Expiry Date: 22 November 2017 **Committee Date:** 23 November 2017

Recommendation: Refusal

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is public house located within Burdrop, a small settlement which forms part of the Sibford Gower/Ferris village settlement. The site is a stone built property under a slate roof, on the edge of Burdrop, overlooking the 'Sib-valley' which separates Sibford Gower and Burdrop from Sibford Ferris. The site also includes a former bottle store which is attached to the public house and is now in use as a holiday let ancillary to the public house. Immediately to the east of the site lies an existing vehicle access and associated existing car park.
- 1.2. In terms of site constraints, the site lies within the Sibford and Burdrop Conservation Area, the public house is identified as a Locally Significant Asset within the Conservation Area Appraisal and was designated as an Asset of Community Value (ACV) in February 2016. There are a number of grade II listed buildings within the vicinity of the site with the nearest being Barn Close ~12m east of the site. To the south of the site, beyond the car park and the pub garden the land drops away into the valley known as the Sibford Gap.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for the change of use of the existing public house to a residential dwelling.
- 2.2. By way of background, as can be seen from the planning history detailed below, the site has previously been the subject of a number of similar applications (4 no. change of use applications (one withdrawn prior to decision) and 2 no. Certificate of Lawful Development applications) made by the applicants for the change of use of the property to residential use which have previously been refused. The application is put forward in this instance by the applicant on the basis of *'fresh evidence of professional valuations and the marketing of the public house and the fact that there have not been any realistic offers from anyone to acquire the property as a viable business'*.

- 2.3. The application's site boundary was amended during the course of the application to omit an area of paddock land which, whilst in the applicant's ownership, was not considered to form part of the curtilage of the public house. The applicant submitted a revised location plan in this respect and a further consultation exercise undertaken on the revised site boundary, with neighbours and the Parish Council being re-notified and a revised site notice being posted to the front of the property.
- 2.4. Unfortunately due to the timing of the planning committee in relation to the application's determination period, the application will go over its 8-week determination target date by the time of the planning committee on the 23/11/2017. The applicant was made aware of this issue early on in the application and an agreement was reached with regard to an extension of the determination period; to allow for sufficient time to resolve any outstanding issues and issuing of any such decision notice following the committee meeting and any resolution of the committee with regards to the acceptability or otherwise of the application.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
82/00329/N	Change of use of the premises to a single dwelling (The application was withdrawn as a condition of the approval was that the liquor licence had to be surrendered prior to a decision being issued. The licence was not surrendered and the pub was sold as a going concern)	Application withdrawn
85/00698/N	Change of use to a single dwelling (resolution to approve the application but a condition of any approval was that the liquor licence had to be surrendered prior to the decision being issued. The landlord at that time wished to keep the pub open and withdrew the application)	Application withdrawn
99/01783/F	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.	Application permitted
06/00248/F	Single storey bar extension to provide non-smoking restaurant facility.	Application permitted
06/01697/F	Change of use from licenced premises to dwelling house.	Application refused
07/00630/F	Resubmission of 06/01697/F - Change of use from licenced premises into dwelling house	Application refused

09/01275/F	Alterations and extension to barn to provide 4no. en-suite letting rooms.	Application withdrawn
09/01557/F	Change of use from closed public house to dwelling	Application withdrawn
12/00011/CLUE	Certificate of Lawful Use Existing - Use as a single dwelling house	Application refused. Appeal against subsequent enforcement notice dismissed at Public Inquiry
12/00678/F	Change of use of a vacant public house to C3 residential (as amended by site location plan received 18/07/12)	Application refused and appeal dismissed
12/00796/CLUE	Certificate of Lawful Use Existing - Use as a single dwelling house	Application refused
13/00116/F	Retrospective - New roof to barn; 3 No rooflights and door installed to the upper floor	Application permitted
13/00743/F	Erection of two new dwellings	Application withdrawn
13/00781/F	Change of use of a redundant barn/store into a 1 bedroom self-contained holiday letting cottage	Undetermined. Non-determination appeal allowed
13/00808/CLUE	Certificate of Lawful Use Existing - Change of use from A4 to A1.	Application refused
13/01511/CLUE	Certificate of lawful use existing - A1 use for the sale of wood burning stoves and fireside accessories	Application returned
14/01383/CLUP	Certificate of Lawful Use Proposed - Change of use from A4 to A1.	Application refused
15/01103/F	Removal of conditions 3 and 4 of planning permission 13/00781/F to allow occupation of holiday let cottage as a separate dwelling	Application refused and appeal dismissed
16/01525/F	Erection of a two storey cottage with 2 en-suite bedrooms, kitchen, dining and lounge facilities. Permission is also required for the siting of a garden shed	Application refused
16/02030/F	Erection of a single storey building	Application refused and

providing 3 No en-suite letting rooms - appeal allowed
re-submission of 16/01525/F

17/00020/F

Erection of a Storage Shed

Application Permitted

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The initial final date for comment on this application was 09.11.2017; however, following the submission of a revised site location plan, reducing the applications red line site boundary, and a further 14 day consultation, which over-lapped with the original consultation period, the final date for comments was 10.11.2017; any further consultee responses or comments received post preparation of this report will be conveyed to committee members as a written update prior to the meeting on the 23rd November.

- 5.2. 33 no. letters/emails have been received in objection to the application as a result of the consultation process. The comments raised by third parties are summarised as follows:

- The Pheasant Pluckers Inn is valued community facility, that is ACV listed, and is needed as a place to meet and socialise, and has previously been well supported.
- This amenity should be protected as the village will expand.
- The pub is in a good location with views of the Sib Valley.
- The pub has a long history and was previously run successfully, and should be returned to a thriving family pub.
- The pub has been deliberately run down, to make way for redevelopment.
- All signage has been removed and it is unclear when the pub is open.
- It is clear that serious attempts by the owners to make it a viable business have not succeeded simply because it has been accessible for a minority of the week and poor to non-existent marketing.
- If the pub was open during normal pub hours it would be a viable business with the right landlords.
- The property has been marketed with an unrealistic valuation and the price expected by the applicants makes no allowance for the cost of restoring the interior of the pub to commercially viable present day standards.
- It is impossible for The Community, or any potential buyers, to formulate a business plan, when the fixed sale price is £100k above the valuation, the trading accounts are withheld and viewings are deferred.
- There are businesses that wish to operate at the location and have made serious offers, in line with the market value and investment required.
- It is possible to run a profitable pub in this area - witness The Chandlers Arms at Epwell

- The applicants flout planning law with the use usage of a public house and the ancillary cottage whilst not trading.
 - There have been numerous historical applications and associated appeals for change of use to residential previously refused / dismissed.
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. SIBFORD FERRIS PARISH COUNCIL: Comments: *'With regard to the application for a change of use from A4 to C3, the Parish Council has not changed its general view that this public house when functioning as such was a successful and an important community asset and its current Category A4 should be retained.'*

However, with regard to specific claims made in this application, that the business is neither viable nor economic to sell, In the absence of publicly available accounts and other relevant financial information, the Parish Council does not believe it is possible to form an opinion, and believes the application should be withdrawn'.

- 6.3. SIBFORD GOWER PARISH COUNCIL: **Objects**, commenting: *'This application was briefly discussed at a Parish Council meeting on 9th October 2017, on the basis of which a preliminary response was drafted and discussed at a Planning Sub-committee on 30th October. At the latter meeting there were present four councillors, the Clerk and sixteen local inhabitants, including the applicants. Parishioners were given the opportunity to speak, and two did so; the Chairman also asked questions of the applicants for clarification and invited them to reply. As a result we make this response.*

Sibford Gower Parish Council wishes once again to object to the application for change of use on the Pheasant Pluckers Inn (late Bishop Blaize) from A4 to C3 residential use for the following reasons:

There have been nine refusals of previous applications for change of use on this property since 2006; two have gone to appeal (2013 and 2014) and have been rejected each time by Inspectors. In addition the owners were on 29th Sept 2014 convicted in court of failure to comply with a valid order to cease to use the property for solely residential purposes. They continue to defy this court order.

The property has been subject to an ACV designation since Feb 2016, which precludes change of use. In order to challenge this, the owners put forward two arguments.

1. The property is unsaleable as a public house.

Response: *The record of their recent attempts to market the property is curious. In May 2017 they provided evidence in the form of an email from the agent Sidney Phillips that during the twenty months it was on sale from October 2015 to May 2017 there had indeed been one inquiry, but not a single request to view (Complaint of Councillor Misconduct: 11 May 2017 by Mrs Noquet against Councillor Murray). In the last four months they appear to claim that there were 32 viewings and four offers. They should be asked to explain this strange disparity.*

In 2012-3 the value of the property was established in two public enquiries, and agreed by professional valuers representing both sides to be between £240/275,000 (for the Council) and £262,000 (for the appellants: APP/C3105/A/13/2190714). The

four offers received by the Noquets in the last months confirm these valuations: all offers were £300,000 or less.

It is therefore clear that the asking price of £395,000 overvalues the property by at least £100,000. It has not been accepted by the open market, and we question whether it was ever so intended. The claim that their agents have supported this price, if true, suggests that they are out of touch with the local market.

It was for this reason that the community of the Sibfords did not think it worth proceeding to mount an offer to purchase under the AVC procedure, until the owners indicated that they were willing to accept a realistic market price.

We also draw attention to the recent experience of a very similar property, the Chandlers Arms in Epwell. This was purchased in Sept 2013 in a run-down state for £215,000. It was completely refurbished for approximately £190,000, and was sold in 2016 as a going concern with considerable goodwill for £395,000. In the meantime the dynamic owners had achieved a weekly turnover of £7,000 and in 2016 an annual certified turnover of £366,718, with an annual profit of £72,534.

This example demonstrates that the Pheasant Pluckers would be currently viable, and might indeed achieve a sale price close to their desired figure, if the owners were minded to run it as a public house.

But the pub is closed and (according to their agents) no longer on the market. The owners seek the same price as the Chandlers Arms for a property without certified accounts, no longer trading, without goodwill and requiring considerable renovation to make it operation. This is clearly an unrealistic offer for sale.

The applicants were invited to comment on the fact that they had provided no documentary evidence of the price that their agents had suggested for the property, and had refused to respond to the request of Cherwell District Council for supporting evidence of viability studies, detailed financial records, valuations, viewings and marketing exercises (Mr Neville's email of 9/10/17). They simply repeated that any such evidence was available privately to individuals under strict conditions. In our opinion this amounts to a refusal to make full disclosure of all evidence in support of their application. This means that there is no possibility of assessing the validity of their statements, and that therefore the application should fail.

2. Public Meeting 20th June 2016:

The public meeting called by the Chairman of Sibford Gower and Sibford Ferris Parish Councils was intended to gauge the extent of support for the ACV, and to discuss various ancillary activities that might run alongside a reopened pub in order to assess their usefulness in relation to existing village operations. The description offered by the applicants completely misrepresents the discussions that took place. These ended with a unanimous endorsement by approximately 100 residents of continuing to press for the reopening of the public house as an Asset of Community Value, and the formation of a group of volunteers to take this matter forward if and when a realistic opportunity for purchase arose. We also rather naively hoped that the owners might take up some of these ideas, if they genuinely wished to reopen the pub.

In one respect the comments of Mrs Noquet appear to be correct (5.5). She states that she was approached after the meeting by a man with a proposal of accommodation between the parties involved. In fact in early May 2016 the Chairman of Sibford Gower had indeed been approached by an occasional resident in the village with such a proposal. The Chairman formed the opinion that the proposal seemed both illegal and immoral, and anyway lay outside of the powers of the Parish Council: he therefore declined to present it to the PC or permit it to be discussed at the forthcoming meeting. The approach to Mrs Noquet, while it may well have happened, is therefore a personal initiative (as the individual seems to have stated to Mrs Noquet), not support by anyone else in the community'.

STATUTORY CONSULTEES

- 6.4. HIGHWAYS AUTHORITY: **No objections**, subject to a condition securing details of parking provision for two vehicles.
- 6.5. THAMES WATER: No comments received.

NON-STATUTORY CONSULTEES

- 6.6. BRUTON KNOWLES (Property Consultants):
- 6.7. CAMRA (Campaign for Real Ales): **Objects**, commenting: *'We still consider that this could be a viable public house if it were being run as such. The pub, then called The Bishop Blaize, had been listed in the CAMRA Good Beer Guide in 2003, 2004, 2005 and 2006, the year that Mr and Mrs Noquet purchased it. It was a going concern, popular with the village and with others from the villages around.*

The more recent renaming and re-opening has been done in such a way as to deter anyone from visiting. There is nothing outside the property to advertise it is a public house, nor is there anything that advertises that the property is for sale. It now looks, as Mr and Mrs Noquet consider it to be, a private house. We do not believe that the current owners have proved that this is not a viable public house; they have only proved that if you over-value a public house it is not then possible to sell it as such.

There have been offers made to purchase the pub and run it but these have been declined as the owners are determined that they will not take any offers that are not at the valuation they have received. We would suggest that the offers were made by those who have experience of the licensed trade in the local area and that they were reasonable offers.

We would ask that the Council refuse this application for change of use as they have previous applications on the grounds that nothing has changed; this property is a viable public house and should be in use as such.

- 6.8. CONSERVATION: **Objects**, commenting: *'The proposal relates to the change of use of the former public house to residential. It is noted that there is a substantial planning history relating to this issue stretching back to 2006. There is also clearly strong public opinion about the issue.*

The building is an Asset of Community Value and is also of cultural value to the area. The original name for the public house, Bishop Blaize Inn, relates to the important wool industry in the settlement. The Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal describes the importance of the woollen industry and states 'It is therefore of no small surprise that the former public house, the Bishop Blaize at Burdrop is named after the patron saint of the weavers (St Blaise, 4th century martyr). Legend says that wool auction were held on Burdrop Green, outside the inn, which bars on its wall the date 1640'.

The conservation area appraisal acknowledges the building as a non-designated heritage asset which makes a positive contribution to the area. In Features of special interest it acknowledges 'Former Bishop Blaize, Public House – as this building shows typical vernacular construction of the period' and states 'The above buildings are undesignated heritage assets which contribute significantly to the conservation area'. It also acknowledges the community function of the building and under 'Threats' includes 'Loss of local facilities such as the village pub and village hall which help reinforce Burdrop's identity as a separate hamlet, not just a residential suburb of Sibford Gower'.

The proposed change of use of the property to residential is considered to cause harm to the character and appearance of Burdrop Conservation Area through the loss of the central community function played by the public house. The change of use also impacts on the physical characteristics of the property including the loss of

signage and the lack of public/community features such as clear entranceway and public garden. This harm is existing, but relates to the lack of active use of the building as a public house and the significance could be reinstated if the building were to return to its current and original use.

There is not considered to be any public benefit to outweigh the harm to the character and appearance of the designated heritage asset of the Sibford Ferris, Sibford Gower and Burdrop Conservation Area nor the non-designated heritage asset of the Bishop Blaise (Pheasant Plucker's Inn) Public House'.

6.9. ENVIRONMENTAL PROTECTION: **No objections.**

6.10. HOUSING STANDARDS: No comments received.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031)

- Villages 1: Village categorisation
- SLE 3: Supporting Tourism Growth
- BSC 12: Indoor Sport, Recreation and Community Facilities
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- S29: Loss of existing village services
- H21: Conversion of buildings within settlements

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Town and Country (General Permitted Development) (England) Order 2015 (as amended) (GPDO)
- Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal 2012
- Neighbourhood Planning Act 2017
- Localism Act 2011

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Relevant History
- Principle of development
- Impact on the character of the area
- Impact on heritage assets
- Highway Safety

Principle of development:

- 8.2. Government guidance contained within the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.3. Paragraph 6 of the Framework sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy and sustainable communities.
- 8.4. Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 8.5. Paragraph 14 of the National Planning Policy Framework states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 8.6. The principle of development in this case is clearly dependent on two distinct elements; the principle of residential development on the site and the loss of the public house facilities. The principle of residential development on the site shall be dealt with first.
- 8.7. Cherwell District Council can demonstrate 5.6 years supply of deliverable housing sites, therefore the presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 8.8. The principle of residential development in Burdrop is assessed against Policy Villages 1 in the CLP 2031. Burdrop is recognised as a Category A village in the Cherwell Local Plan 2011 – 2031 Part 1, by virtue of its close association Sibford Ferris and Sibford Gower. Within Category A villages residential development is restricted to minor development, infilling and conversions.
- 8.9. Saved Policy H21 of the CLP 1996 states that within settlements the conversion of suitable buildings to dwellings will be favourably considered unless conversion to a residential use would be detrimental to the special character and interest of a building of architectural and historic significance. In all instances proposals will be subject to the other policies in this plan.
- 8.10. Whilst the site currently contains ancillary residential accommodation associated with the public house, the proposed development would involve the conversion of the entire public house (A4) to a private dwelling house (C3). The Pheasant Pluckers Inn is located within the built up limits of Burdrop and therefore in this respect the proposed development is considered to comply with the housing policies

of the development plan and is acceptable in this regard, subject to the loss of the village service and its acceptability in terms of other material planning considerations.

- 8.11. Turning now to the loss of the public house. Within the NPPF the Government demonstrates the need for supporting both existing and new community facilities within rural areas. It advises that policies should look to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development; and that there should be support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should also include promotion of the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship (NPPF, Para. 28).

- 8.12. Further at paragraph 70 of the NPPF that:

To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
- *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

- 8.13. The Government appears to further acknowledge that the loss of public houses/drinking establishments is a growing issue, with recent amendments to the permitted development regime (The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017) with regard to A4 (Drinking Establishments) and permitted changes under the GPDO; with the only permitted changes of A4 uses, now currently being restricted to A3 (Restaurants and Cafes) or AA (Drinking Establishments with expanded food provision); where previously changes to A1 (Retail) and A2 (Professional and Financial Services) had been considered permitted development, subject to conditions, including that the building was not an ACV.

- 8.14. Policy BSC12 of the CLP 2031 Part 1 does not specifically refer to public houses, however the policy does cover the provision of community facilities and states that the Council will encourage the provision of community facilities to enhance the sustainability of communities and will seek to protect and enhance existing facilities. Policy SLE 3 further looks to support development which enhances tourism opportunities within the district.

- 8.15. Saved Policy S29 of the CLP 1996 covers the loss of existing village services. The policy states that proposals that will involve the loss of existing village services which serve the basic needs of the local community will not normally be permitted. The policy does go on to state, however, that it is also recognised that it will be difficult to resist the loss of such facilities when they are proven to be no longer financially viable in the long term.

- 8.16. There is significant planning history at the site and significant concerns have been raised by the local community with regard to the potential loss of the pub as a community facility both during the current application and with previous applications at the site. Media reports from CAMRA (Campaign for Real Ale) highlight the difficulties that public houses are currently facing and suggest that there are 21 net pubs closures every week (CAMRA 23/03/2017, 'CAMRA celebrates pub planning loophole closure'). The Public House was designated an Asset of Community Value (ACV) in February 2016, and there is still strong support for the pub to be brought back into regular use; as demonstrated by the significant number of objections to the application, and which has also been the case with previous applications at the site.
- 8.17. As with previous applications much comment has been made with regard to the viability of the public house, designated as an Asset of Community Value, given its restricted opening hours and current levels of service it provides. The applicants have provided details of marketing that has been undertaken with Sidney Philips during period from October 2015 to August 2017, at an asking price of 'offers in region of £395,000'. During this time it is indicated that there have been 3237 online requests for information, 32 viewings and 4 offers made. At the time of the preparation of this report Sidney Phillips had confirmed to the case officer, during a telephone call, that although the property was still advertised on some websites that it had actually been withdrawn and was not for sale.
- 8.18. Giving the issues raised with regard to viability, the Council commissioned an independent assessment which was undertaken by Bruton Knowles, a leading property consultant. The applicant has also resubmitted a viability report prepared by Barry Voysey in 2012 (which was previously submitted in relation to a previous application (12/00678/F) and subsequent appeal APP/C3105/A/13/2190714).
- 8.19. The report prepared by Bruton Knowles (BK) highlights the competition faced by The Pheasant Pluckers Inn from a significant number of other venues in the surrounding area (including public houses, garden centres and other visitor attractions); the potential styles of operation in which the public house could operate; and the business levels and resulting viability of Pheasant Pluckers Inn.
- 8.20. The BK report notes the currently consistently low level of business, and states that the most likely viable trading model for the Pheasant Pluckers Inn would be as a gastropub, offering restaurant services whilst still catering for local drinkers; but notes that the current low business levels may be down to the choice of the owners and that *'the trading level will certainly not be attractive to the majority of potential buyers/operators'*. The report also notes the lack of a properly fitted working bar service and lack of trading space as two factors that weigh heavily against the Pheasant Pluckers Inn being viable in its current format.
- 8.21. The BK report identifies that the immediate environment is most attractive and that the wider demographic may consider a renovated property to be a desirable venue. However, it is considered that building in which the public house is contained is not physically large enough to accommodate the necessary space required to operate a successful gastro-pub; but that this could be remedied with an extension which may provide additional seating; in this respect it is to be noted that the Council has previously been supportive of such proposals with the granting of planning permission for a single storey bar extension to provide non-smoking restaurant facility in 2006 (06/00248/F). The report goes on to note that the site is somewhat constrained by its lack of car parking provision, but again that this could potentially be remedied with an extension of the existing area.
- 8.22. Whilst the Council has not had the Pheasant Pluckers Inn valued by a professional agent, it did advise the applicant to provide further viability and marketing evidence at a very early stage in the application, to help to establish a realistic price for the Pheasant Pluckers Inn, due to the lack of supporting information.

- 8.23. The applicant has provided records which indicate that several offers had been received; both as 'Freehold' (3 no. offers) and 'Leasehold' (2 no. offers), but that these fell below the asking price and were subsequently rejected. Whilst the applicants have supplied emails from agents (Guy Simmonds (2016), Christies (2016) and Sydney Phillips (2015)) confirming that £400,000 was a marketable price, no detailed valuation has been submitted to establish that this was a realistic asking price for the property as an on-going concern as a public house. Bruton Knowles suggests a value of £376,740, but this would depend upon generation of turnover and profit levels. Notwithstanding the above, the Council considers that the interest that has been clearly demonstrated by the number of interested parties and viewings *confirms* a market demand for the extant use. The success of other pubs within the area, including the Chandlers Arms in Epwell, is further testament to the fact that there is a demand for such services within the rural areas.
- 8.24. The applicant has also provided financial information which, while not detailed audited accounts, indicates income and out-goings for the period of July 2016 to October 2017. These records indicate that over the last year there had been a loss sustained over that period by the applicants. This has also been the case put forward in previous applications. The applicant has indicated that the public house has been open for business during lunchtimes and on some instances in the evenings at weekends; although this does not appear to be advertised to the wider public, other than by an A-board being positioned to the front of the property. Officers have requested confirmation of more recent operational hours from the applicants, but at the time of the preparation of this report this had not been received. The applicant has also supplied reviews received their Facebook page which show the public house and holiday let business in a positive light, again indicating support for such services in this location.
- 8.25. The applicant has indicated that they have made improvements to the property to make the Pub more attractive to buyers including; the completion of the Holiday Cottage; the installation of 2 no. improved ladies toilets, a new bar and substantially upgraded catering kitchen. However, officers consider that the benefit that these improvements have had on the sale price are in many ways countered by other alterations that have taken place over the years and features that detract from the attractiveness of the property as an on-going public house business; including the removal pub signage from the property; the removal of the original bar and ability to provide draft ales, ciders etc. and the appearance and accessibility of the car park, and these issues are likely to require capital investment to remedy; this is borne out in the comments made by potential purchasers viewing the property, saying 'too much work involved', as reason to discontinue interest, as stated in the applicants marketing evidence and comments made in the BK report.
- 8.26. The BK report ultimately concludes that whilst the necessary investment required to bring the property into a viable use would make the taking on the business a higher than average financial risk, that this did not negate viability and that the Pheasant Pluckers Inn could still be viable as a public house, but that this would be subject to certain factors and improvements. Taking into account all the evidence submitted by the applicant and that within the BK report, officers consider that the applicant has failed to satisfactorily demonstrate that, notwithstanding that the public house is not currently be run under a viable business model, that the Pheasant Pluckers Inn could not be viable in the long-term; contrary to the provision of saved Policy S29 CLP 1996.
- 8.27. As noted in inspectors decisions in dismissing appeals (APP/C3105/C/12/2170904 in 2012 and APP/C3105/A/13/2190714 in 2013) against previously refused applications at the site, the proposed change of use of the Pheasant Pluckers Inn has been consistently considered contrary to the provisions and aims of saved Policy S29 of the CLP and policy guidance with the NPPF. These decisions included a full consideration of viability; including an assessment of Barry Voysey's viability

report again submitted in support of this current application. There remains very strong evidence from the community of a wish to see the Pheasant Pluckers Inn (formerly Bishop Blaize) retained as a public house and there is further support for the holiday let cottages supporting tourism in the area. Officers see no new conclusive evidence to consider that circumstances in this respect have significantly changed since previous refusals at the site. The Pheasant Pluckers Inn is clearly not viable whilst being run under the current business model, with limited offerings and irregular opening hours and regrettably the owners appear to have lost the support of the local community, as has previously been noted in previous inspector's decisions.

- 8.28. The pub has previously provided a much valued facility and service, and it is considered that its previous period of closure and subsequent current reduced operations, initiated by the applicants over the years, has reduced the local community's ability to meet its day-to-day needs. As such the proposals are considered contrary to the identified policies of development plan and Government advice and guidance with regard to protecting and retaining valued community facilities and therefore are considered unacceptable in principle.

Impact on the character of the area:

- 8.29. The purpose of the planning system is to contribute to the achievement of sustainable development and the Framework defines this as having 3 dimensions: economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable development and in the context of this application would also include conserving and enhancing the historic environment.
- 8.30. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP which looks to promote and support development of a high standard which contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 8.31. The site is within the Sibford Ferris, Sibford Gower and Burdrop Conservation Area, which was designated as such in 1985. Conservation areas are designated by the Council under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990; with the aim being to manage new development within such areas to ensure that the character or appearance of the Conservation Area, and the special architectural or historic interest which it may possess, is preserved and where possible enhanced.
- 8.32. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.33. The NPPF (Para. 126) advises that Local Planning Authorities should positively set out strategies for the conservation and enjoyment of the historic environment, and should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. It further states that in developing this strategy, local planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and

- opportunities to draw on the contribution made by the historic environment to the character of a place.
- 8.34. Policy ESD 15 of the CLP is consistent with the advice and guidance within the NPPF with regard to the conservation of the historic environment and looks for development to:
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness;
 - Conserve, sustain and enhance designated and non-designated Heritage Assets, including their settings, ensuring that new development is sensitively sited and integrated;
 - Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.
- 8.35. The 2012 Sibford Ferris, Sibford Gower and Burdrop Conservation Area Conservation Area Appraisal document identifies the public house as a Locally Significant Asset and is therefore a non-designated heritage asset within the Conservation Area. The Pheasant Pluckers Inn (Former Bishop Blaize Public House) is described as a significant building within the vernacular tradition of the area. It is also a visually significant building being located on the lip of the valley. This significance is enhanced by its slight physical separation from the neighbouring buildings.
- 8.36. Whilst there is no operational development proposed as part of this application, the change in use of the property from a functional public house to a residential property would result in a change in the character and appearance of the site. Some of the impacts of the proposed change of use have already been realised with the loss of the previous public house signage, and as noted in comments made in objection to the application, and as observed by officers during site visit, the property currently has very little which would identify the property as public house and attract visitors/customers into the building; with only two occasional A-boards being placed outside the property, advertising the bar as being open for sales of bottled drinks and further advertising an 'En-Suite Shepherds Hut' for B&B purposes.
- 8.37. The use of the property for purely residential purpose would have a significantly different appearance to that of active public house, and in this respect the proposed change of use would not sustain the established character and appearance of the conservation area. The NPPF (Para. 134) advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is considered the public benefit gained would not outweigh the harm that would be caused to the character and appearance of the designated heritage asset of the Sibford Ferris, Sibford Gower and Burdrop Conservation Area nor the non-designated heritage asset of the Bishop Blaize (Pheasant Pluckers Inn) Public House'; therefore failing to comply with the provisions and aims of Policy ESD 15 of the CLP 2031 and policy guidance within the NPPF.

Highway safety:

- 8.38. The Highways Authority has assessed the proposals and raises no objections subject to details of parking provision for two vehicles being secured by way of an appropriate condition attached to any such permission, should the Council be minded to approve the application.
- 8.39. Officers see no reason to disagree with this opinion. The site has an existing car park area associated with the existing public house, which although this area is currently somewhat restricted by storage of various items and materials, there still remains sufficient space for vehicles to enter and leave the site in a forward manner; and further there is additional parking to the front of the property.

- 8.40. The proposals would not result in any increase in vehicular movements to and from the site and no further parking requirement above the current situation. The proposals would not result in any significant impact on the safety and convenience of other highway users, and subject to the requirements of the Highways Authority being satisfactorily being met, would not result in any significant impact on highway safety, and are therefore considered acceptable in this regard.

Residential amenity:

- 8.41. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 8.42. Whilst no detailed plans have been submitted with application, officers consider that it is highly likely that the conversion of the public house to a three bedroom would provide levels of both indoor and outdoor amenity that would allow for a very good standard of living for potential future occupants of the property and therefore could be considered acceptable in this regard.
- 8.43. Given the context of the site, the relationship with neighbouring properties and the nature of the development (that there would be no operational development) it is considered that the proposed change would not result in any significant impacts on neighbour amenity above those currently experience and is therefore also acceptable in this regard.

Other matters:

- 8.44. Comment has been made with regard to the applicants apparent lack regard to planning regulations and previous enforcement notice requirements with regards to the occupation of the ancillary residential accommodation. Given that the public house is currently being opened for a use as such, albeit on limited occasions, the applicants are not be in breach of planning regulations in this regard, and this is not considered a material planning consideration in the context of the current application.
- 8.45. Further comment is made with regards to the positioning and use of a shepherds hut at the site. This does not form part of the application and is a matter that is being separately dealt with by the Council through the planning enforcement team.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 9.3. Given the above assessment in the light of current guiding national and local policy context, whilst a residential use in this location could be considered acceptable in

terms of the sustainability of the location and would be acceptable in terms of highway safety and residential amenity, it is considered that a change of use of the public house – a valued community facility designated as both an Asset of Community Value and a non-designated heritage asset – would result in the loss of a valued village service. 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. The proposal would also detrimentally impact on the character and appearance of the surrounding conservation area. It is further considered that any potential public benefits of the change of use to residential would not outweigh the harm identified above and the proposals are therefore considered contrary to the above mentioned development plan policies; as such the application is therefore recommended for refusal for the reasons set out below.

10. RECOMMENDATION

That permission is refused, for the following reason:

1. The proposal would result in the loss of a valued village service and Asset of Community Value which, on the basis of the application and the contributions received, it has not been conclusively demonstrated as not being viable in the long-term. As such, the loss of the service would lead to an unacceptable impact on the character and appearance of the conservation area and the local community and would therefore be contrary to saved Policy S29 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government advice on supporting a prosperous rural economy and promoting healthy communities contained within the National Planning Policy Framework.

PLANNING NOTES:

For the avoidance of doubt, the plans and documents considered by the Council in reaching its decision on this application are: Application forms, supporting statement dated 26.09.2017 submitted with the application, the amended site location plan received 24/10/2017 and further items received in correspondence from the applicant during the application.

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