

Sibford Gower Parish Council
Minutes of the Parish Council Meeting
held in Sibford Gower Endowed Primary School on 27th January 2014

Present

Parish Cllrs Mrs Susan Bannister, Oswyn Murray (Chairman), Alan Parkin and Mrs Gilian Soden, County and District Councillor George Reynolds, fifteen Local Residents and the Clerk.

Apologies: Apologies were received from Cllr Peter Abbott who was unwell.

Minutes

It was proposed by Cllr Susan Bannister and seconded by Cllr Alan Parkin that the Minutes of the Parish Council Meeting held on 14th October 2013 be approved as a correct record and they were then signed by the Chairman.

Matters Arising: Matters arising were dealt with as they occurred in the various agenda items.

Chairman's Report

Bishops End: The decisions agreed by circulation of councillors since the last meeting were confirmed, and the three relevant submissions to the various Planning bodies appear as appendixes to these Minutes.

The chairman spoke on the matter of Joint Meetings with Sibford Ferris Parish Council and said that the present situation of representatives from each Parish Council attending the other's Meetings and sharing agenda and minutes appears to be working satisfactorily.

Following discussion at a recent meeting of representatives from neighbouring Parish Councils he proposed that the Ferris and Gower Parish Councils should jointly acquire a defibrillator to be sited at Sibford Village Hall for the benefit of residents of both Parishes. This was agreed and the matter will now be taken forward.

Clerk's Report

Bishop Blaize: The Parish Council had made a second application to the District Council to have the Bishop Blaize registered as a Community Asset. A response was received to the effect the application had been declined.

Mawles Farm Barn Roof: Work had taken place to secure tiles which were in danger of falling and there may be more remedial work required. However, the situation is being checked by Cherwell District Council.

Financial Matters

Proposed by Cllr Alan Parkin and seconded by Cllr Gilian Soden, it was agreed that the Precept request for the next financial year should be £6,400 allowing for the additional cost of maintaining the Churchyard following its closure.

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No. 13/00343/TCA T1 T2 x Holly – Fell Granted	Carters Yard , Main Street, Sibford Gower	Mrs S Bannister
No. 13/00354/TCA T1 T2 x Fir – Fell. T3 x Holly - Fell Granted	Nicholas Comer Street Through Burdrop	Mrs J Meyler
No. 13/00382/TCA T1 x Plum – Fell due to structural instability Granted	Elmridge Farm House, Main Street, Sibford Gower	J I Hopkyns
No. 13/00378/TCA T1 x Walnut – Fell. T2 T3 Apples – Reduce by 20%, prune and thin by 20% T4 x Birch – Crown raise to 12ft Granted	Lavender Cottage, Bonds End Lane, Sibford Gower	Mrs S Walker

Churchyard & Parish Council Burial Ground

Following the receipt of various quotations for the maintenance of the Churchyard and the Parish Council Burial Ground, that of Thomas Fox Landscaping & Maintenance was accepted with work to commence in April 2014. The Clerk was instructed to write formally to the company in this regard.

Footpath Matters

Cllr Susan Bannister said that organised walks by the Walking Group are going well and that she informs Oxfordshire County Council of any problems encountered.

Highway Matters

Bonds End Lane: The clerk reported that it had been very difficult to arrange a public meeting with Oxfordshire County Council about the exit to Bonds End Lane. Finally the OCC had announced a visit with less than a day's notice; the Chairman was abroad, and there was no time to call a meeting. The Clerk therefore met with the officer concerned, who confirmed that the matter of double parking at the exit was a police not an OCC matter. OCC was unwilling to change the markings in the road junction because of the poor state of the surface; reinstatement was not in prospect for the foreseeable future. Subsequently the officer confirmed by email that the licence to maintain the green area issued in 1994 was a valid licence, and the OCC had no legal grounds for seeking to revoke it. The email appears as an Appendix to the minutes.

The chairman reported that he had visited the owners of the adjacent property, and they had agreed to desist from double parking at the junction in an attempt to alleviate the problem.

It was therefore agreed to leave the matter for the present; if necessary a mirror at the junction might be a way forward. Residents of Bonds End Lane were urged to prevent delivery and workmen's vans from parking in the area.

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Parking: *A general discussion of parking problems in the village then ensued. It was pointed out that the problem was common to every village in the area, and no solution had ever yet been found. The issue had first arisen around 1979, and was being exacerbated by the village development as a commuter village and the practice of owning two or more large cars. But in fact a survey showed that there was no daytime problem in parking around the pond: there were normally between 1 and 5 spaces available. The problem existed only at night and at weekends, and was therefore caused by the residents themselves. It was pointed out that only 4 houses in the area had no parking space at all available.*

Various solutions were suggested. Further layby parking along Pound Lane might be considered at great expense. Neighbouring owners of suitable land could be approached to ask if they would sell or lease land for parking. The chairman stated that he was unwilling to summon the police to any particular area, because of the likely impact on other areas of the village; but other villagers could do so if they wished.

For the present it was agreed to insist that the Police and the OCC Highway Officer attend the next annual parish meeting. Residents of Bonds End Lane were encouraged to continue their practice of helping each other out with parking space. Landlords with rented property were asked to insert a clause requiring tenants to park on their own land. Owners of those properties in Bonds End Lane that were undergoing building works were reminded of their duty to insist that their builders show proper respect for neighbours.

Excess Speeding: A resident living in High Meadow had complained about vehicles exceeding the speed limit in Pound Lane. Similarly, another resident living in Colony Road had expressed concern on the same subject as vehicles approach Pound Lane from Colony Road. The Clerk had been in contact with PCSO Angela Alford (Thames Valley Police) who will meet with residents who are prepared to carry out a speeding check and instruct them in the use of hand held equipment. The Clerk had spoken with the two residents involved and they will liaise with PCSO Alford to make the necessary arrangements.

Village Pond

The Clerk reported that he had this day received a letter from Oxfordshire County Council, Countryside Service Department regarding the Parish Council's application to register the Village Pond as a Village Green and that this had been passed to the Solicitor to the Council for consideration from whom we will hear in due course.

Public Participation

A resident referred to the problem of blocked gullies in Acre Ditch that Oxfordshire Highways seem unable to resolve. The Clerk was instructed to take the matter forward.

Any other Matters

There were no other matters raised.

Date of Next Meeting

Details of the next Meeting will be announced in due course

There being no further business to discuss, the Chairman thanked all present for attending and closed the Meeting at 9.58pm.

THE APPENDIXES TO WHICH REFERENCE IS MADE ABOVE UNDER CHAIRMAN'S BUSINESS AND HIGHWAY MATTERS ARE AVAILABLE FROM THE CLERK UPON REQUEST AS WILL BE ANY APPENDIX WHICH IS REFERRED TO IN FUTURE MINUTES.

Osney Murray 9th June 2014

Appendixes to PC Minutes – 27th January 2014

Appendix 1: Submissions re Planning Applications in respect of Bishops End:

1. To Cherwell District Council: 13/00743/F; 13/00781/F; 13/00808/CLUE

Planning Applications

13/00743/F: Erection of two new dwellings: Land to the east and adjacent to Bishops End Burdrop OX15 5RQ

13/00781/F: Change of use of a redundant barn/store into a 1 bedroom self-contained holiday letting cottage: Bishops End Burdrop

13/00808/CLUE: Certificate of Lawful Use Existing: Change of use from A4 to A1: Bishops End Burdrop

Response of Sibford Gower Parish Council

These three applications refer to the same property, and have together the clear intention of frustrating the outcomes of two Appeals to the Planning Inspectorate (4 October 2012: APP/C3105/C/12/2170904) and 22 May 2013: (APP/C3105/A/13/219074). These concern the refusal of Cherwell District Council to permit the change of use of the former Bishop Blaize Public House to a private dwelling.

Sibford Gower Parish Council together with the local community fully support Cherwell and the Inspector in their earlier decisions, and have sought a declaration that the property should be designated an Asset of Community Value, with the intention of promoting a bid to purchase the property, and reopen it as a community pub.. We therefore oppose these applications, and make the following general observations: Any decision should surely be delayed to await the decision of the Planning Inspector on the latest appeal.

Each of the applications is accompanied by a different site plan in which three different curtilages to the property are offered without explanation. None of these curtilages corresponds to the curtilage agreed with Cherwell DC by the applicants and their solicitors in two successive public Inquiries. It is surely unacceptable to offer such contradictory documentation involving four different definitions of the curtilage of the property.

In detail:

13/00743/F: Erection of two new dwellings: Land to the east and adjacent to Bishops End Burdrop OX15 5RQ

The Parish Council is firmly of the opinion that this application should be rejected on the following grounds:

1. The development proposed is on the car park of the former public house, and has been designated as within the curtilage of the public house by the Public Inquiry in the decision dated 4 October 2012 (APP/C3105/C/12/2170904). The car park is essential to the operation of the public house, whose future has been the subject of a further Inquiry held on 22 May 2013 (APP/C3105/A/13/219074) due to report shortly. No decision could be made on this application until the results of that Inquiry are known.
2. The car park is included in the current application by Sibford Gower Parish Council for the entire property to be listed as an Asset of Community Value as a public house.
3. The proposed site is within the Sibfords Conservation Area; it does not satisfy the legal requirement 'to preserve or enhance the character of the Conservation Area.' Indeed the Conservation Plan for the Sibfords recently published in 2012 by Cherwell District Council identified the Sibford Gap between the two villages of Sibford Gower and Sibford Ferris as an essential feature to be protected against all intrusion on 'the inherent visual aesthetic of the Sib valley', and warned that 'housing infill and "settlement building creep" should be resisted' (section 8).
4. A number of earlier applications to build in the Sibford Gap have been refused.
5. The design and size of the proposed developments are unacceptable.

13/00781/F: Change of use of a redundant barn/store into a 1 bedroom self-contained holiday letting cottage: Bishops End Burdrop

This is a revival of a previous application (09/01275/F). The application was withdrawn when the applicants were informed that they would need a bat survey before proceeding with the work. They then proceeded without a bat survey and without planning permission to carry out the conversion, and applied for retrospective planning permission for the completed development. Despite the objections of Sibford Gower Parish Council, this was granted: (13/00116/F: New roof to barn; 3 no roof lights and door installed to the upper floor). The barn was then ostensibly used briefly as a base for a new unauthorised business in wood-burning stoves; the intention is now to make the barn redundant by moving the 'business' into the main property.

This would appear to be a very dubious procedure under planning law. Nevertheless the Parish Council was minded in 2009 to accept the earlier proposal for holiday letting accommodation, on condition that a section 106 agreement was reached which contained the following conditions:

Permission should be granted for this change of use only in connection with the business of the public house and on condition that the public house was reopened.

There should be an absolute legally binding provision that the conversion could never be sold separately from the public house.

Given the history of applications concerning this property we think that, if Cherwell is minded to consider this application, these two conditions are essential to prevent the abuse of any permission granted.

13/00808/CLUE | Certificate of Lawful Use Existing: Change of use from A4 to A1: Bishops End Burdrop

The applicants wish to move the unlawful business known as 'Bishop Blaize-in Stoves' from the 'redundant barn' to the main property. They record the business as opening with irregular hours on 7th February 2013. During the subsequent five months, they have received three potential customers, with no sales recorded. There appears to have been no advertising and it is unclear how much stock is held; there is no evidence that any of the relevant safety inspections have taken place or that any of the staff has qualifications or has received training in the provision or installation of wood-burning stoves, chimney requirements, fire hazards etc.

The photographs provided of the interior of the main property show three small stoves, two fixed and one unfixed: they do not suggest that the business has already moved into the property or that any conversion has taken place to prepare for its use as a shop: it still appears as part of an (illegally occupied) private area.

The alleged 'retail area' excludes two significant areas designated as 'private kitchen' and 'private dining'. These we believe to have been part of the original space devoted to the public house, and therefore to be part of its business operations, which cannot be reclassified as the applicants desire.

We do not believe that this is a genuine business: it appears to be conceived as a means of evading planning law. We think that as such it will fail in its intent, since (if permission were granted) the proposed business premises would no longer be available to the applicants for use as part of a private dwelling; moreover the first floor accommodation is legally occupied solely as an adjunct to the existence of a functioning public house. The owners will therefore be unable legally to occupy as a private dwelling any part of their property.

2. To the Planning Inspectorate: APP/C3105/A/13/2203382

Submission by Sibford Gower Parish Council to the Planning Inspectorate,

FAO Kerr Brown

APP/C3105/A/13/2203382

Change of use of a redundant barn/store into a 1 bedroom self-contained holiday letting cottage: Bishops End Burdrop

Sibford Gower Parish Council is aware of a long history of applications related to this property dating back to the closure of the public house in 2006. They appear to relate in

one way or another to the declared intention of the owners to legalise the closure of the public house and establish an alternative use as a C3 residential dwelling; on the result of the most recent Planning Inquiry Mr. Noquet stated publicly in the Banbury Guardian: 'We're confident we will eventually gain planning permission for change of use at some stage in the coming years'

(Banbury Guardian, August 15th 2013 p.21)

There would appear to have been at least ten applications with this purpose in view, some of them withdrawn, some refused with a succession of appeals against dismissal. Given this multiple misuse of planning procedures we therefore consider it no reflection on the competence of Cherwell District Council that the Council has failed to determine this particular application within the allotted time: they were doubtless waiting for the determination of the last Public Inquiry which was not received until mid August 2013. This particular application is a revival of a previous application (09/01275/F). The application was withdrawn when the applicants were informed that they would need a bat survey before proceeding with the work. They then proceeded without a bat survey and without planning permission to carry out the conversion, and applied for retrospective planning permission for the completed development. Despite the objections of Sibford Gower Parish Council, this was granted: (13/00116/F: New roof to barn; 3 no roof lights and door installed to the upper floor). The barn was later ostensibly used briefly as a base for a new unauthorised business in wood-burning stoves; the claim appears now to be that the barn is redundant because the 'business' has been moved into the main property. This would appear to be a very dubious procedure under planning law. Nevertheless the Parish Council was minded in 2009 to accept the earlier proposal for holiday letting accommodation, on condition that a section 106 agreement was reached which contained the following conditions:

Permission should be granted for this change of use only in connection with the business of the public house and on condition that the public house was reopened.

There should be an absolute legally binding provision that the conversion could never be sold separately from the public house.

We have read the minutes of the meeting of the planning committee of Cherwell District Council on 3rd October 2013 related to this application, which was considered by them notwithstanding the fact that it had been called in to the Inspectorate, and we note that the conditions they were minded to impose in the main reflect the suggestions that we made in 2009, and again this year in relation to the present submission. Given the history of applications concerning this property we think that, if the Inspectorate is minded to allow this application, the restrictions and conditions suggested by Cherwell District Council are essential to prevent the abuse of any permission granted.

In addition our legal advice is that the owners have failed to reopen the public house as required under the two decisions of the Public Inquiries. We therefore consider it absolutely essential either that the application be refused until such time as the public house is certified as fully open, or that in addition to the conditions suggested by Cherwell District Council, it should be made a condition of any granting of change of use that it is ancillary to the full reopening of the public house as required by the two successive Public Planning Appeal Decisions, APP/C3105/A/12/00678/F and 13/2190714. The owners should not be permitted to run a holiday let business except in conjunction with the business of the public house.

This submission has been approved by Sibford Gower Parish Council and is submitted on their behalf by the chairman, Councillor Oswyn Murray
Oswyn Murray Glebe Farm, Sibford Gower, Banbury, OX15 5RT
Tel 01295-780723

3. To the Planning Inspectorate: APP/C3105/C/13/2207390

Appeal by	Mr G R Noquet
Site	Bishops End, Burdrop
Alleged Breach of Planning Control	Without planning permission, the change of use of the land for the storage of a mobile home
Planning Inspectorate Appeal Reference	APP/C3105/C/13/2207390

Comments by Sibford Gower Parish Council on appeal by Mr G R Noquet

Sibford Gower Parish Council is aware of a long history of applications related to this property dating back to the closure of the public house in 2006. They appear to relate in one way or another to the declared intention of the owners to legalise the closure of the public house and establish an alternative use as a C3 residential dwelling; on the result of the most recent Planning Inquiry Mr. Noquet stated publicly in the Banbury Guardian: 'We're confident we will eventually gain planning permission for change of use at some stage in the coming years' (Banbury Guardian, August 15th 2013 p.21)

There would appear to have been at least ten applications with this purpose in view, some of them withdrawn, some refused with a succession of appeals against dismissal. This would seem to us to constitute a multiple misuse of planning procedures.

The current temporary buildings on the car park site have been the subject of complaints by villagers since they were first erected. In 2009 we were informed by Cherwell District Council that the owners had temporary permission to site the Mobile Home in the Bishop Blaize car park while they effected repairs to the water damaged pub. These repairs have long been finished, and have in fact, as visits by your two inspectors confirmed (Public Planning Appeal Decisions, APP/C3105/A/12/00678/F and 13/2190714), resulted in the unauthorised conversion of the public house to a private residence. Cherwell District Council is therefore acting properly in requiring the removal of the temporary buildings, which no longer have any justification.

The present appeal refers to the use of the car park of the public house, and we oppose it for the following reasons:

1. The car park lies at the centre of the conservation area between the two villages of Sibford Gower and Sibford Ferris in a prominent position. A recent application to build two houses on the site was withdrawn when the Conservation Officer of Cherwell DC indicated that she would oppose any building on the site for conservation reasons. *A fortiori* the planning authorities should be opposed to any unnecessary use for storage or other purposes that affects the conservation area.

2. The preservation of the car park as such is important for the future opening of the public house, since without its unencumbered use the pub would find it difficult to attract business from a wider area.

This submission has been approved by Sibford Gower Parish Council and is submitted on their behalf by the chairman, Councillor Oswyn Murray, Glebe Farm, Sibford Gower, Banbury, OX15 5RT. Tel 01295-780723.

*Appendix 2: Email from Peter Egawhary, Traffic Advice and Design
Highways and Transport
Directorate for Environment and Economy:*

A section 142 Licence to Plant was issued to the occupiers of the residence at the Old Rectory on 16th September 1994 and ratified by the County Engineer on 17th November 1994. Those at the residence are still maintaining the area within the specifications of the Licence, As they have not breached any aspect of their Licence, the Oxfordshire County Council would have no grounds to withdraw it. Furthermore, as one of the verges was grassed prior to the Licence being granted, I do not think it appropriate to use for parking.