

**Supplement to the agenda for**

# **Planning and Regulatory Committee**

**Wednesday 19 November 2025**

**10.00 am**

**Conference Room 1 - Herefordshire Council, Plough Lane  
Offices, Hereford, HR4 0LE**

**Schedule of Updates**

**Public Speakers**

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# **PLANNING COMMITTEE**

**Date: 19 NOVEMBER 2025**

## **Schedule of Committee Updates/Additional Representations**

**Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.**

## SCHEDULE OF COMMITTEE UPDATES

**222138 - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED, EXCEPT ACCESS, FOR THE FIRST PHASE OF AN URBAN EXTENSION COMPRISING UP TO 350 HOMES (USE CLASS C3); AND A CARE HOME (USE CLASS C2), PARK & CHOOSE INTERCHANGE; TOGETHER WITH OPEN AND PLAY SPACE, LANDSCAPING, INFRASTRUCTURE AND ASSOCIATED WORKS AT LAND AT THREE ELMS, NORTH EAST QUARTER, TO THE NORTH EAST OF HUNTINGTON AND BOUNDED, BY THREE ELMS ROAD AND ROMAN ROAD, HEREFORD, HR4 7RA**

**For: The Church Commissioners for England per Miss Tara Johnston, The Minster Building, 21 Mincing Lane, London, EC3R 7AG**

### ADDITIONAL REPRESENTATIONS

Further to the publication of the officer report the following 7 additional representation received from members of the public

#### 1. Comment

I am writing to object to planning application 222138 for development at Land at Three Elms, Hereford. Although I do not live immediately adjacent to the site, I am a Herefordshire resident and this major scheme will have significant cumulative impacts on the environmental quality, transport network, and public services used by residents across the county.

Below are my reasons for objection, based on material planning considerations.

#### 1. Transport, Traffic and Highway Safety

This development proposes up to 350 new homes, in addition to a care home and associated facilities. This scale of expansion will significantly increase traffic movements on the already-congested route corridors into Hereford, including the A4110, Three Elms Road, Grandstand Road and Yazor Road.

The Hereford Western Bypass / Relief Road, originally expected to support this strategic growth area, is currently paused. Without this critical infrastructure, the traffic assumptions made in the Transport Assessment are out of date and cannot be relied upon.

The result will be:

- Increased congestion
- Greater travel times into/out of the city
- Higher emissions and poorer air quality
- Greater pressure on rural roads used as “rat-runs”, affecting villages including Credenhill, Canon Pyon, Norton Canon and other rural routes

This is contrary to the principles of NPPF para. 110–113, which require safe and suitable access and avoidance of severe residual impacts.

## 2. Prematurity & Incomplete Infrastructure Strategy

The site is part of the Western Urban Expansion (Policy HD5) which requires careful, comprehensive delivery of:

- Highway infrastructure
- Utilities
- Public transport improvements
- Open space
- A primary school
- A neighbourhood centre

However, this application is piecemeal and does not demonstrate a realistic, enforceable strategy to deliver the necessary infrastructure upfront. Without a confirmed bypass or wider transport improvements, approving this scheme now is premature and could result in isolated, poorly-served development.

## 3. Pressure on Schools, Healthcare and Local Services

- Hereford already experiences difficulty with:
- GP appointment availability
- Long waiting times for NHS services
- School capacity pressures in certain catchments

An additional 350+ homes, plus a care home, will add substantially to this burden. No firm, deliverable mitigation is secured at this stage. This is contrary to NPPF para. 20 & 95, which require adequate social infrastructure to be planned and provided.

## 4. Environmental Impact, Loss of Greenfield Land & Biodiversity Concerns

The site comprises valuable agricultural landscape and greenfield land. Developing this area will result in:

- Loss of natural habitat
- Reduction in biodiversity
- Increased pollution
- Urbanisation of a rural-edge landscape that currently provides ecological value

The Environmental Impact Assessment does not convincingly demonstrate that ecological loss will be compensated or that biodiversity net gain will be delivered in a meaningful way.

This conflicts with NPPF para. 174 & 180, requiring protection and enhancement of the natural environment.

## 5. Drainage, Surface Water & Flood Risk

Large-scale greenfield development substantially increases runoff. The application relies heavily on unproven or incomplete mitigation measures, and it is unclear whether the drainage strategy could cope with prolonged heavy rainfall events. This represents a potential risk to downstream communities and contradicts NPPF para. 159–169 on managing flood risk.

## 6. Design, Density & Landscape Impact

The local plan expects a “sensitive and integrated” urban expansion under Policy HD5. However:

- The scheme risks creating a hard urban edge without appropriate landscape buffering.

- The density and layout information submitted at outline stage is vague and fails to demonstrate a high quality, well-integrated design.
- The landscape harm is underestimated.
- This large estate will permanently alter the character of the area.

## 7. Phasing and Deliverability

There is concern that:

- Only housing will be built initially
- Infrastructure may be delayed, reduced or never delivered
- Future phases may be altered via viability claims reducing affordable housing or community benefits. This risk is well-documented in other major UK developments and should be considered here.

## Conclusion

For the reasons outlined above — including traffic impacts, lack of infrastructure, environmental harm, flooding concerns, and non-compliance with Local Plan Policy HD5 — I respectfully request that planning application 222138 is refused.

Should the council be minded to approve, I request that strong, enforceable conditions and

## Section 106

obligations be applied to guarantee:

- Infrastructure delivery in advance of occupation
- Full affordable housing quota (35%)
- Significant green infrastructure
- Road and junction improvements
- Biodiversity net gain
- Sustainable drainage systems
- Independent monitoring of traffic and environmental impacts

Thank you for considering my objection.

## 2: Comment

A planning application for this area has been put forward several times now.

My concerns are the amount of extra traffic that will be generated onto Three Elms Road and therefore onto Whitecross roundabout. There are 2 schools in close proximity and at pick up times there is already considerable congestion in and out of Bonnington Drive and along Three Elms Road as parents park to pick up children. Whitecross roundabout is already like a race track with 5 exits close together and no traffic lights. Finally there is the impact on the already overstretched local services such as school places and appointments at doctors.

There are already several housing developments in the area, with houses still being built or unsold. I do not agree with this development

## 3: Comment

I have addressed this to your 'Chair', as I will be unable to attend the meeting on 19<sup>th</sup> Nov, as invited, due to other commitments.

There are a few points I would like the Committee to consider and perhaps address, which I would have if able to attend:

1. What 'Flood Alleviation Planning has or will be put in place. The area concerned 'Floods' on a regular basis.
2. How will the 'Natural Corridor for wild life' already in place be protected during and following the 'Build'.
3. What plans are in place for the additional demand on Health Services, especially the Hospital, GP, Dental and Ambulance Service?
4. What plans are in place for Educational Service and the local 'catchment area'?
5. Will there be a moratorium on who is eligible for the Housing, to benefit those who already live in or work in Hereford?
6. Will The Housing cover all age groups?
7. What does one class as 'Affordable' and will that include 'Council' Housing? As many local residents are lower paid. Or will that encourage an increase in the population from outside the 'area' (Hereford/shire).
8. Will there be sufficient Transport services; Bus, at present reduced after 6pm and weekends. Plus improved road network in and around Hereford. How frequent will be the park and choose interchange service and will it cost to park/use public transport, or will it be 'free' like the Zipper?

This should take possibly 3 mins to read and concerns many who live in Hereford and especially 'The Area' in question.

#### **4: Comment**

I am here today to highlight the risks of granting approval to phase one of a major urban expansion before the technical data from both geophysical surveying and detailed hydraulic modelling of the commercial aquifer are completed.

I speak with some authority as a retired chartered geological engineer with decades of experience. I have professional experience on risk analysis of major development projects involving excavations and the important details included in consultant's disclaimers, who deftly absolve themselves of all responsibility, in the event of severe flooding or pollution, by disclaimers.

I wish to highlight two key elements that are missing from the data sets that render the flood risk analysis and risk of pollution to the aquifer as both premature and incomplete.

The flood risk analysis prepared by consultants Tetra Tech uses a new hydraulic model, based only on the Yazor Brook, excluding the groundwater flows from the new developments to the north of this development site and those north of Hereford city. Their report states they assume the catchment is un-metred despite decades of data from the gauge at Three Elms that records and displays daily water levels, and the abstraction well data which would allow more accurate flow calculations.

The flood risk analysis presented illustrates that the development will not increase flooding in the city, but it lacks new data of the increased flows from the North of the city along the Ayles brook that gave rise to increased flooding following similar housing developments. Is this incomplete flood risk analysis acceptable to the committee without an expert and independent review?

The commercial aquifer that underlies the development site is defined by the Environment Agency as the statutory body appointed to protect all the nation's water supplies. Why would this committee permit development over the commercial aquifer before the source protection zones are fully defined by the statutory body?

I ask this committee if it is correct to abrogate their responsibility for all future scrutiny by themselves and the elected officials of this county by handing all future key decisions on design and placement of infrastructure on site, without first seeking a fully independent risk analysis of

increased city flooding and potential loss of commercial aquifers through pollution during construction and habitation?

## 5: Comment:

I object to this outline planning application and urge the Committee to REFUSE or DEFER determination. The proposal contains five material deficiencies that breach statutory duties, national policy (NPPF 2024), and the Herefordshire Core Strategy 2011–2031, preventing lawful determination.

1. **BREACH OF HABITATS REGULATIONS 2017 (REGULATION 63) Requirement:**  
The LPA may only grant permission if it has ascertained—beyond reasonable scientific doubt—that the proposal will not adversely affect the integrity of the River Wye SAC (Reg. 63; Waddenzee C-127/02). Evidence: · Environment Agency Source Protection Zone (SPZ) modelling is “ongoing” and incomplete (Officer’s Report para 7.4). · March 2025 EA surface water mapping reveals new potential pollution pathways to Yazor Brook not assessed in the June 2024 Appropriate Assessment. · Natural England’s “no objection” is expressly conditional upon mitigation being “appropriately secured” (para 7.3), yet essential mitigation cannot be specified until SPZ modelling is complete. · Condition 15 defers excavation strategy post-permission, dependent on future SPZ extents. Consequence: The Appropriate Assessment conclusion of “no adverse effect” is premature and not based on complete scientific knowledge. Approval would breach Regulation 63 and the principle in *Champion [2015] UKSC 52* that mitigation must be certain before permission is granted.
2. **FLOOD RISK EXCEPTION TEST NOT MET (NPPF PARAS 167, 172, 180) Requirement:**  
Para 167: development must be “safe for its lifetime”. · Para 172: development “should not increase flood risk elsewhere.” · Para 180: Exception Test must be reapplied when “more recent information” on flood risk becomes available. Evidence: · March 2025 EA mapping identifies new medium/high-risk surface water flow paths across the developable area. · Exception Test applied by officers (paras 9.125–135) relies solely on June 2024 data—no re-assessment undertaken. · Drainage strategy design is incomplete and dependent on outstanding SPZ data (Conditions 13, 15). · Lead Local Flood Authority confirms drainage will require “detailed technical review at Reserved Matters” (paras 7.36–37). Consequence: The Committee lacks evidence to discharge para 167 (“safe for lifetime”) and para 172 (“no increase in flood risk”). Under *Milgate [2015] EWHC 2375*, FRAs must resolve fundamental risks at outline stage, not defer solutions to conditions. The Committee also lacks the “full knowledge” required under the EIA Regulations 2017.
3. **UNRESOLVED TRANSPORT SAFETY RISKS (NPPF PARAS 110, 116) Requirement:**  
Para 110: development must create safe places and prioritise walking/cycling. · Para 116: refusal is justified where the proposal has an unacceptable impact on highway safety. Evidence – Road Safety Audit Stage 1 (June 2025): Three problems classified as “Not Resolved”: · 2.3 – Bus kerb overruns at mini-roundabout · 2.4 – Signal confusion at Toucan crossing · 2.6 – Abrupt cycle lane termination forcing cyclists into traffic Mitigation is: · Not secured by conditions; · Not included in S106 or S278; · Not resolved between Designer and Auditor. Local Highway Authority removed objection only following a £1.95m off-site contribution, implicitly acknowledging on-site access problems. Consequence: Independent professional evidence identifies material, unresolved safety risks. Reserved Matters cannot lawfully remedy safety defects at outline stage. Approval would be irrational (*Keep Wythenshawe Special [2023]*) and contrary to NPPF 110, 116 and Policy MT1.
4. **AFFORDABLE HOUSING SHORTFALL WITHOUT VIABILITY JUSTIFICATION (POLICIES HD1, HD5) Requirement:** · HD5 requires 35% affordable housing: 123 units. · HD1 allows reductions only with independently verified viability evidence. Evidence: · S106 provides 27% on-site (95 units) — 8% below policy. · 1.6-acre care home site transferred for £1, with no affordability covenant, no delivery timeframe, and no reversion clause. · No viability appraisal submitted. Legal concerns: · Land transfer >£800,000 value for £1 risks being ultra vires under s.123 LGA 1972. · Arrangement fails NPPF para 58 and CIL Reg

122(2): not “fairly and reasonably related in scale and kind”. · If the care home is not delivered as affordable accommodation, effective provision remains 27%, in direct conflict with HD5. Consequence: Development plan conflict not justified by material considerations. The arrangement is legally vulnerable (Persimmon [2012]).

5. UNMITIGATED HERITAGE HARM (S.72 LBCA 1990; NPPF PARAS 212–215) Statutory duty: Under s.72, decision-makers must give “special attention” and “considerable importance and weight” (Barnwell Manor). Evidence: · Building Conservation Officer identifies specific areas of harm to the Huntington Conservation Area (para 7.19). · Officer’s Report accepts “moderate” less-than-substantial harm (paras 9.68, 9.72, 9.208). · The only mitigation—Condition 9—defers all landscaping to Reserved Matters with no enforceable parameters (buffer widths, planting specifications, density reductions, or building set-backs). Critical issue: There is no evidence that alternatives to reduce or avoid harm were explored, breaching the Barnwell requirement to consider avoidance before applying NPPF para 215. Public benefits are overstated: · Housing delivery on allocated land = policy compliance, not a “benefit” (Forge Field). · 27% affordable housing = deficit, not benefit. · Park & Choose = HD5 policy requirement. Consequence: S.72 duty not discharged; NPPF para 215 balance incorrectly struck; conflict with LD4 and HD5. These five deficiencies individually and cumulatively prevent lawful determination. Approving the application would: · Breach statutory duties (Habitats Regulations; s.72 LBCA) · Contradict mandatory national policy (NPPF paras 110, 116, 167, 172, 180, 212–215) · Conflict with Development Plan policies (SD3, SD4, MT1, HD1, HD5, LD4) · Expose the Council to a high risk of successful Judicial Review RECOMMENDATION REFUSE planning permission. Alternatively, DEFER pending: 1. Completion of EA SPZ modelling and updated Appropriate Assessment 2. Revised FRA and Exception Test addressing March 2025 mapping 3. Resolution and secured mitigation of all RSA safety issues 4. Independently verified viability appraisal or revised S106 with enforceable affordability 5. Heritage mitigation strategy with enforceable design parameters

## 6 Comment:

I strongly object to the above application. The Officer’s Report (OR) recommending approval contains fundamental errors in its application of national policy and law. The proposal is premature, fails to protect heritage assets, and is supported by an unsound S106 agreement. For the reasons below, the Committee must refuse this application.

**GROUND 1: PREMATURITY, FLOOD RISK & INCOMPLETE ENVIRONMENTAL INFORMATION** (NPPF 170– 182; EIA & Habitats Regulations 2017) The application is legally premature. The OR concedes that the Environment Agency’s (EA) critical Source Protection Zone (SPZ) modelling is outstanding (OR 7.4) and defers the excavation strategy via Condition 15. This renders the Committee unable to lawfully conclude that: o The Exception Test (NPPF 178) is passed, as it cannot be certain the development is “safe for its lifetime without increasing flood risk elsewhere”. o The Habitats Regulations Assessment is complete, as the “no adverse effect” conclusion on the River Wye SAC cannot be reached with scientific certainty without the SPZ data. o The Environmental Statement is adequate, as the Committee is being asked to grant permission without full knowledge of a significant environmental effect, contrary to the EIA Regulations. Approval under these circumstances would be a clear legal error. The application must be refused on this ground.

**GROUND 2: FAILURE TO PROTECT HERITAGE ASSETS** (NPPF 202–221; s.72 Planning (Listed Buildings and Conservation Areas) Act 1990) The OR identifies “less than substantial harm” to the Huntington Conservation Area but fails to secure its mitigation. o The Council’s Building Conservation Officer (BCO) identified specific harms (OR 7.19): Loss of open aspect west of Newcourt Farm. Urban encroachment north of Huntington Lane.

The proposed Condition 9 (Landscaping) is a generic condition, entirely unsuited to address these specific heritage impacts. The harm therefore remains unmitigated. Consequently: o The Committee would be in breach of its statutory duty under s.72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay “special attention” to preserving or enhancing the Conservation Area. o The NPPF 215 balancing exercise is flawed, as the full weight of the unmitigated harm was not considered against the public benefits. The application must be refused on this ground.

**GROUND 3: POOR PLANNING OUTCOME & UNSOUND S106 AGREEMENT (NPPF 58)** The S106 agreement is unsound and results in a poor planning outcome: o It secures a certain loss (reduction of on-site affordable housing from 35% to 27%).

o In exchange for a speculative gain (land transfer for an unsecured care home). This fails the tests of soundness in NPPF 58, as it is not “fairly and reasonably related in scale and kind to the development”, especially given Herefordshire’s acute housing land supply shortfall (3.11 years – OR 9.6).

The application must be refused on this ground. **CONCLUSION & RECOMMENDATION** For the compelling reasons set out above, this application is: o Unsound (premature, heritage harm, poor

## 7 Comment

Dear Planning and Regulatory Committee, Re Application 222130.

I have addressed this to your ‘Chair’, as I will be unable to attend the meeting on 19<sup>th</sup> Nov, as invited, due to other commitments.

There are a few points I would like the Committee to consider and perhaps address, which I would have if able to attend:

1. What ‘Flood Alleviation Planning has or will be put in place. The area concerned ‘Floods’ on a regular basis.
2. How will the ‘Natural Corridor for wild life’ already in place be protected during and following the ‘Build’.
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8. Will there be sufficient Transport services; Bus, at present reduced after 6pm and weekends. Plus improved road network in and around Hereford. How frequent will be the park and choose interchange service and will it cost to park/use public transport, or will it be ‘free’ like the Zipper?

This should take possibly 3 mins to read and concerns many who live in Hereford and especially ‘The Area’ in question.

Photograph inserted below at request from Public Speaker (Mr Hull)



*Three Elms Road*

### **OFFICER COMMENTS**

The representations raise no new material planning considerations which are discussed within the officer's report.

As a point of clarification within the committee report and within the Heads of Terms set out at Para 9.191 it states that the developer would provide 27% on site affordable housing and that the figure was reduced from 35% to take into account the 1.6 acres of Care Home land which equates to 24 dwellings. This position has been agreed with the housing officer. Paragraph 9.160 reports a different position which is incorrect.

S106). o Unlawful in parts (breach of Habitats Regs, s.72 LBCA 1990). o Contrary to the public interest. The Committee is urged to REFUSE planning permission.

**Education Team:**

An email from the Council's education team sent on the 14 November to the Planning Obligations Manager has been shared with the Planning case officer:

*I understand that plans for 350 houses at Three Elms is going to Planning Committee next week and is recommended for approval.*

*It is understood that in the draft s106 agreement contributions would be for the following schools: Hereford Early Years, Trinity Primary School, St Francis Xaviers Roman Catholic Primary School, Whitecross High School, St Mary's Catholic School, Hereford Youth and Special Education Needs schools. It has however been noted that Stretton Sugwas C of E Academy is not included in the wording despite a small section of the site being in the Stretton Sugwas catchment.*

**OFFICER COMMENTS**

As such, officers have liaised with the Planning Obligations Manager and they have confirmed there is scope to add Stretton Sugwas Primary School into the benefactor schools for the section 106 contributions.

**NO CHANGE TO RECOMMENDATION**

**251073 - PROPOSED TWO-STOREY EDUCATIONAL BUILDING WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE WORKS AT AYLESTONE HIGH SCHOOL, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY**

**For: Herefordshire Council per Mr Gareth Hooper, 11-13 Penhill Road, Pontcanna, Cardiff, CF11 9PQ**

**ADDITIONAL CONSULTATION RESPONSES/ REPRESENTATIONS**

HC Environmental Health (Noise) – no further comments.

HC Watse & Recycling – no objection.

Since the publication of the agenda and Committee Report, one further written representation has been received and is attached at **Appendix 1** of this schedule of updates.

**OFFICER COMMENTS**

- As a point of clarification, and notwithstanding the comments provided by the Built Environment Team (Building Conservation), it is noted that the western extremity of the application site falls within the Aylestone Hill Conservation Area. In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposed development is sited well within the school grounds, away from the conservation area boundary, and does not introduce built form or alterations which would be considered to materially impact upon, the character or appearance of the conservation area. As such, it is concluded that the proposal would preserve the character and appearance of the Aylestone Hill Conservation Area and accords with the statutory duty under s.72(1) of the Act.
- Some minor changes to the wording of conditions has been made, and the full list of approved plans has been inserted to Condition 2. The revised schedule of conditions is shown at **Appendix 2**.
- The applicant has submitted additional information in an attempt to satisfy the requirements of Condition 4 (Contamination), specifically through a Ground Gas Protection System Verification and Strategy Plan. Due to the late submission of this material, the Local Planning Authority has not had sufficient time to review it with input from the Council's Environmental Health Team. Accordingly, it is recommended that Condition 4 remains unchanged at this stage. However, should Members resolve to approve the application in line with the officer recommendation, the condition could be amended following a review of the submitted information by Environmental Health during the 21-day Secretary of State referral period.
- The further written representation following the publication of the agenda and officer report. It is not considered to raise any new material planning considerations that are not already identified and assessed, as set out within the report.

**Updated Recommendation: That planning permission be granted subject to the conditions listed, together with any subsequent amendments or additional**

**conditions considered necessary by officers under the scheme of delegation, and subject to referral to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2021, due to the statutory objection from Sport England.**

## Appendix 1 – Updated schedule of conditions – application 251073 – Aylestone High School

**RECOMMENDATION :** That planning permission be granted subject to the conditions listed, together with any subsequent amendments or additional conditions considered necessary by officers under the scheme of delegation, and subject to referral to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2021, due to the statutory objection from Sport England.

### STANDARD CONDITIONS

#### 1. Time Limit for Commencement

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

#### 2. Approved Plans and Documents

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below, and the schedule of materials listed thereon.

- Existing Site Plan: BLMS0601-AHR-30-ZZZ-D-L-0511\_P01 (March 2025)
- General Arrangement Floor Plan Level 00: BLMS0601-AHR-31-N00-D-A0510-P01 (March 2025)
- General Arrangement Floor Plan Level 01: BLMS0601-AHR-31-N01-D-A0511-P01 (March 2025)
- General Arrangement Floor Plan Level R1: BLMS0601-AHR-31-NR1-D-A0512-P01 (March 2025)
- Site Plan: BLMS0601-AHR-30-ZZZ-D-L-0510-S2-P04 (September 2025)
- Proposed Soft Landscape Layout: BLMS0601-AHR-30-ZZZ-D-L-0517-S2-P04 (September 2025)
- Proposed Site Landscape Masterplan: BLMS0601-AHR-30-ZZZ-D-L-0520-S2-P05 (September 2025)
- Proposed Soft Landscape Layout: BLMS0601-AHR-30-ZZZ-D-L-0540-S4-P04 (September 2025)
- Site Hard Landscape Details: BLMS0601-AHR-30-ZZZ-D-L-0550-S2-P03 (September 2025)
- Proposed Detailed Vehicle Access Loop: BLMS0601-AHR-30-ZZZ-D-L-0525-S2-P02 (September 2025)
- Proposed Detailed Vehicle Access Rear Carpark: BLMS0601-AHR-30-ZZZ-D-L-0526-S2-P02 (September 2025)
- School Secure Line: BLMS0601-AHR-30-ZZZ-D-L-0530-S2-P02 (September 2025)
- General Arrangement Building Elevations: BLMS0601-AHR-32-NZZ-D-A-0520-S2-P04 (September 2025)
- General Arrangement Building Sections 01: BLMS0601-AHR-33-NZZ-D-A-0530-S2-P03 (September 2025)
- General Arrangement Building Sections 02: BLMS0601-AHR-33-NZZ-D-A-0531-S2-P04 (September 2025)
- General Arrangement Building Sections 03: BLMS0601-AHR-33-NZZ-D-A-0532-S2-P03 (September 2025)
- General Arrangement Building Sections 04: BLMS0601-AHR-33-NZZ-D-A-0533-S2-P04 (September 2025)
- Landscape Specification: BLMS0601-AHR-10-LZZ-T-L-0610-P01 (June 2025)
- Site Landscape Existing External Plan and Social Provision: BLMS0601-AHR-30-ZZZ-D-L-9003\_P02 (June 2025)
- Site Landscape Plan Detailed: BLMS0601-AHR-30-ZZZ-D-L-9010\_P02 (June 2025)

- Site Landscape Access Strategy Vehicles: BLMS0601-AHR-30-ZZZ-D-L-9020\_P02 (June 2025)
- Site Landscape Tree Removal & Protection Plan: BLMS0601-AHR-30-ZZZ-D-L-9030\_P02 (June 2025)
- Site Landscape Bird Nesting & Bat Roosting Box Location: BLMS0601-AHR-30-ZZZ-D-L-9035\_P01 (June 2025)
- Site Landscape Levels: BLMS0601-AHR-30-ZZZ-D-L-9040\_P01 (June 2025)
- Site Landscape Setting Out – Kerbs & Edges: BLMS0601-AHR-30-ZZZ-D-L-9045\_P01 (June 2025)
- Site Landscape Setting Out – Street Furniture: BLMS0601-AHR-30-ZZZ-D-L-9047\_P01 (June 2025)
- Site Landscape Setting Out – Tree Planting: BLMS0601-AHR-30-ZZZ-D-L-9048\_P01 (June 2025)
- Site Soft Landscape Planting Plan: BLMS0601-AHR-30-ZZZ-D-L-9050\_P02 (June 2025)
- Site Soft Landscape Planting Plan Details: BLMS0601-AHR-30-ZZZ-D-L-9052\_P02 (June 2025)
- Site Landscape Top Soil Plan: BLMS0601-AHR-30-ZZZ-D-L-9054\_P01 (June 2025)
- Site Landscape Mulching Plan: BLMS0601-AHR-30-ZZZ-D-L-9055\_P01 (June 2025)
- Site Landscape Detail Planting Location Plan: BLMS0601-AHR-30-ZZZ-D-L-9056\_P01 (June 2025)
- Site Landscape Detail Planting Plans 1 of 3: BLMS0601-AHR-30-ZZZ-D-L-9057\_P01 (June 2025)
- Site Landscape Detail Planting Plans 2 of 3: BLMS0601-AHR-30-ZZZ-D-L-9058\_P01 (June 2025)
- Site Landscape Detail Planting Plans 3 of 3: BLMS0601-AHR-30-ZZZ-D-L-9059\_P01 (June 2025)
- Site Hard Landscape Layout: BLMS0601-AHR-30-ZZZ-D-L-9060\_P02 (June 2025)
- Site Hard Landscaping Details Kerb Edges Plan: BLMS0601-AHR-30-ZZZ-D-L-9061\_P02 (June 2025)
- Site Hard Landscaping Details Street Furniture: BLMS0601-AHR-30-ZZZ-D-L-9064\_P02 (June 2025)
- Site Hard Landscaping Details Cycle Store: BLMS0601-AHR-30-ZZZ-D-L-9065\_P01 (June 2025)

Reason: To define the terms of the permission and ensure the development is carried out as approved.

## **PRIOR TO COMMENCEMENT**

### **3. Surface Water Drainage**

No development shall commence until written evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the necessary permissions or rights have been obtained from the relevant third-party landowners to allow for the construction and maintenance of the proposed surface water drainage connection to the public sewer in Whittern Way. The drainage shall be implemented in full accordance with the submitted and approved details BLMS0601-HYD-52-NXX-D-C-7010 P05 & BLMS0601-HYD-52-NXX-D-C-7011 P05 and made available prior to first use of the development.

Reason: To ensure a satisfactory means of surface water drainage and to prevent flooding, in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy.

### **4. Contamination**

Development shall not commence until full design details and a full written technical specification of the soil gas protection scheme has been submitted to and approved in writing by the local planning authority. This plan should include details of the means by which the gas protection measures will be independently validated together with a site specific validation plan for the implementation and validation of gas protection measures.

Upon completion of the agreed works, validation documentation shall be submitted to the local planning authority in accordance with the agreed details before the development is first occupied. The validation report must be produced by a suitably qualified person. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

## **COMPLIANCE/ CONSTRUCTION PERIOD**

### **5. Arboricultural Compliance**

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plans, for the duration of the construction period? :

- Arboricultural Method Statement – Origin Environmental – 240314\_24014\_AMS\_V1 – September 25
- Tree Retention and Removals Plan – Origin Environmental – 240314\_24014 TRRP V2a\_OE-003 – September 2025
- Tree Protection Plan – Origin Environmental – 240314\_24014 TPP V2a\_OE-004 – September 2025

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

### **6. CEMP Compliance**

The development hereby permitted shall be carried out in full accordance with the approved Construction Environmental Management Plan (CEMP) Revision 05, dated October 2025, including all appendices and referenced ecological method statements. The measures contained within the CEMP shall be implemented and adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the area, protect biodiversity, and ensure the development is carried out in an environmentally responsible manner, in accordance with Policies SD1 and LD2 of the Herefordshire Local Plan – Core Strategy.

## **PRIOR TO FIRST USE/OCCUPATION**

### **7. Parking, Drop-off, and Cycle Storage**

Prior to first use of the development hereby approved, the parking, drop-off, and cycle storage facilities shown on the approved plans (BLMS0601-AHR-30-ZZZ-D-L-0525-S2-P02 and BLMS0601-AHR-30-ZZZ-D-L-0520-S2-P05) shall be provided and made available for use. These facilities shall be retained thereafter.

Reason: To ensure adequate parking and promote sustainable travel, in accordance with Policy MT1 of the Herefordshire Local Plan Core Strategy 2011-31.

### **8. School Travel Plan**

Prior to first use of the development hereby approved, an updated School Travel Plan, including the establishment and ongoing operation of a School Travel Plan Steering Group, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented as approved and monitored for a minimum of five years.

Reason: To promote sustainable travel and reduce congestion, in accordance with Policy MT1 of the Herefordshire Local Plan Core Strategy 2011-31.

### **9. Acoustic Design Compliance**

All recommendations outlined in Acoustic Design Report ref.BLMS0601-HYD-10-ZZ-T-AC-0001, dated 6th March 2025, shall be implemented and shall be completed before the use, hereby approved, is first commenced and shall be thereafter maintained.

Reason: In order to protect the amenity of the area and future users so as to comply with policy SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

### **10. Community Use Agreement (CUA)**

Prior to first use of the development hereby approved, a Community Use Agreement (CUA) prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority. The CUA shall include, but may not be limited to details of hours of use, management, pricing, and access arrangements. The approved CUA shall be implemented upon first use and adhered to thereafter.

Reason: To secure community access to the facility, in accordance with Policy SC1 and the National Planning Policy Framework.

## **COMPLIANCE/OPERATIONAL**

### **11. Reinstatement post construction works**

Within one month of the completion of construction works (or prior to first use/occupation of the development, whichever is sooner), the site compound and all associated temporary works, structures, materials shall be removed from the site and the land shall be reinstated in accordance with a restoration scheme submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall include:

- A condition survey of the affected playing field and/or MUGA prior to commencement of reinstatement works;
- Details of reinstatement to at least equivalent quality;
- A timetable for completion of restoration works (including a growing-in period for grassed areas).

Reason: To ensure the satisfactory restoration of the site and to protect the amenity and function of the school grounds, in accordance with Policies SD1 and OS3 of the Herefordshire Local Plan – Core Strategy and Paragraph 104 of the National Planning Policy Framework.

### **12. Landscape Implementation**

The development hereby permitted shall be carried out in full accordance with the approved Landscape Masterplan (drawing ref: BLMS0601-AHR-30-ZZZ-D-L-0520, Rev P05), Soft Landscape Layout (drawing ref: BLMS0601-AHR-30-ZZZ-D-L-0540, Rev P04), and Landscape

Specification (ref: BLMS0601-AHR-10-LZZ-T-L-0610, P01) and related landscape details approved at Condition 2, or any subsequent details approved in writing by the Local Planning Authority. All planting, seeding, and turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the completion or first occupation of the development, whichever is sooner.

Reason: To ensure the satisfactory appearance of the development and to enhance biodiversity, in accordance with Policies LD1 and LD2 of the Herefordshire Local Plan – Core Strategy.

### **13. External Lighting Compliance**

The development hereby permitted shall be carried out in full accordance with the approved external lighting plan (drawing ref: BLMS0601-HYD-55-Z00-D-ME-7001, Revision P05, by Stantec). No external lighting shall be installed except in accordance with the approved details. Any future external lighting must be designed to avoid adverse impacts on habitats and protected species, and details shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason: To protect habitats and species, in accordance with Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

### **14. Surface Water Discharge Rate**

Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 1.4 l/s.

Reason: To prevent hydraulic overloading of the public sewerage system and protect the environment.

### **15. Site Compound Removal**

Within one month of the completion of construction works (or prior to first use/occupation of the development, whichever is sooner), the site compound and all associated temporary works, structures, and materials shall be removed from the site. The land shall be reinstated to its former condition or in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory restoration of the site and to protect the amenity and function of the school grounds, in accordance with Policies SD1 and OS3 of the Herefordshire Local Plan – Core Strategy.

### **16. Landscape Maintenance**

All planting, seeding, or turfing carried out as part of the approved landscaping scheme shall be maintained for a period of five years from the date of planting. Any trees, plants, or areas of seeding/turfing which, within this period, are removed, die, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the successful establishment and long-term retention of the approved landscaping, in accordance with Policies LD1 and LD2 of the Herefordshire Local Plan – Core Strategy.



## Formal Written Representation – Planning and Regulatory Committee (19 November 2025)

**Application:** P251073/PSI – *Aylestone School, Broadlands Lane, Hereford*

**Submitted by:** Mr Jeffrey Hancorn, Athelstan Hall, 76 Aylestone Hill, Hereford HR1 1HX

(with supporting evidence from Mr Pdraig Kelly)

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### 1. Overview

We submit this representation in advance of the 19 November 2025 Planning and Regulatory Committee meeting concerning the above application.

Our intention is not to obstruct genuine educational improvement, but to highlight the serious governance, procedural, and evidential flaws that render this proposal unsound.

Herefordshire Council is both **the applicant and the decision-maker**. It is effectively judging its own work under the **Public Service Infrastructure (PSI)** fast-track route — a process intended for genuinely urgent, essential public facilities such as hospitals or emergency services, not for discretionary or delayed local capital projects.

This £13 million scheme has been in gestation for nearly three years since its first Cabinet approval “in principle” in 2023. Officers described it then as the start of a potential *new Aylestone School* that could later extend outward from this very proposed building — by design, further encroaching upon playing-field land. That long-term agenda was never transparently disclosed to the public.

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### 2. Lack of Educational Need

The application’s justification rests on “rising demand” for secondary places in north Hereford.

However, DfE 2025 projections and Council data show **no sustained growth** in pupil numbers:

- Herefordshire’s secondary rolls peak in 2025–26, then decline by around 200–300 pupils by 2030.
- Aylestone’s capacity is 450 places; current enrolment is **419**, meaning it is already **under-capacity**, not over-subscribed.
- DfE figures confirm city-wide declines in secondary numbers and falling eBacc attainment under current leadership.

Expansion therefore risks locking in surplus capacity while rewarding failure.

Without demonstrable long-term need, the claimed public benefit collapses — failing NPPF para 100, Core Strategy SC1, and the sustainability test under SS1.

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### 3. Site-Selection Flaws

Aylestone has been treated as the **default site** since Cabinet’s February 2023 decision, with no evidence of serious alternative assessment.

Public consultations in 2023 and 2025 both framed the expansion as pre-approved, limiting meaningful input on *why this site* was chosen.

The Council should instead consider distributing funding among smaller high-performing schools or alternative partnerships, rather than concentrating £13 million into one repeatedly underperforming site.

This pre-commitment also compounds harm to open space: Aylestone’s constrained playing fields are already below the recommended area per pupil, and building here breaches the NPPF para 104 and Core Strategy OS3 tests requiring surplus or replacement provision.

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#### 4. Sport England Objection, Highways & Heritage

##### **Sport England’s statutory objection remains unresolved.**

They confirm that only the **sports-hall element** could potentially comply under Exception 5; the classroom blocks would remove protected playing-field land, displace an existing two-court MUGA, and create a net loss of sports provision.

That engages the 2021 Consultation Direction — meaning that if the Council is minded to approve despite the objection, it must refer the application to the Secretary of State.

The proposed layout also takes no account of adjacent heritage assets: activity and new planting are pushed toward the open boundary with the Grade II-listed Athelstan Hall, wrongly described as “unaffected.”

The last-minute “internal loop” parking arrangement **entrenches car use**, contradicting the Council’s own School Streets and Safer Routes to School policies.

The Highways position now relies on speculative future measures — School Streets pilots, TROs and the internal loop — none of which are permanent, funded or enforceable. Conditional support on that basis is not sound evidence under NPPF paragraph 116.

The public were further misled to believe those separate schemes were part of this application, when in fact they are not.

Meanwhile the school itself complains that it already has **17 acres to manage** — an admission of poor site management even before any new, potentially commercial, structure is added.

Since objections were lodged, intensified activity has appeared directly beside our property — including rugby training and goalposts newly sited against our boundary.

This intensified use has emerged only as a **new phenomenon during the course of this application**, coinciding with residents’ formal objections.

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#### 5. Amenity, Transparency, and Community Use

The project’s **commercial intent** only became clear late in the process through answers to MP enquiries — **nor was its intended commercial purpose ever disclosed openly**.

Such extended hire and community-use hours constitute a **material change of use** of playing-field land, requiring separate Secretary of State approval, as with the withdrawn 2018 3G proposal.

This concealment persisted throughout limited consultations, producing low attendance and misunderstanding, compounded by an application title that omits any reference to the sports-hall element.

Goalposts and equipment are now routinely left strewn across the site’s **north-western corner**, directly adjoining Athelstan Hall — behaviour symptomatic of poor management under the same leadership.

Publicity for unrelated road schemes was also used to imply wider outreach, misleading participants about the scope of the current proposal.

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#### 6. Governance, Procedural and Consultation Failures

The PSI fast-track route is reserved for **urgent educational or health infrastructure**, yet no proven educational urgency exists.

Herefordshire Council is both the **applicant and principal funder**, not the Department for Education — a clear conflict of interest.

The **Monitoring Officer's October 2025 letter**, restricting resident contact to a director directly involved in the PSI scheme, typifies the defensive governance culture surrounding this project.

Significant consultee material — including Balfour Beatty's 5 June and 26 September representations requiring written evidence that drainage can lawfully pass via third-party land to reach the adopted network — appeared on the portal only within the past week, **after closure of consultation**.

No approvals from **Welsh Water or affected landowners** are provided.

Meanwhile, the **Hereford City Council** representation remains unreadable despite requests for correction.

These late and incomplete disclosures render the consultation process defective and inconsistent with DMPO 2015 obligations.

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## 7. Conclusion

This application fails on process, policy, and public accountability.

It lacks proven educational need, destroys protected playing-field land, and proceeds under a PSI designation that is neither appropriate nor lawful.

The combination of unresolved statutory objections, weak consultation, governance conflicts, and poor site management demands that this Committee **refuse or defer** the application pending:

- A verified educational-need assessment;
- A Sport England-compliant design;
- Transparent governance independent of conflicted officers.

If the Committee is nevertheless minded to approve, it must first **refer the decision to the Secretary of State** under the 2021 Consultation Direction.

Respectfully submitted,

**Mr Jeffrey Hancorn**

*(with supporting evidence from Mr Pdraig Kelly)*

Athelstan Hall – 76 Aylestone Hill, Hereford HR1 1HX

Date: 12 November 2025



**252087 - PROPOSED CHANGE OF USE FROM A PUBLIC HOUSE (SUI GENERIS) TO A DWELLINGHOUSE (CLASS C3) AT THE WHEELWRIGHTS, PENCOMBE, HEREFORDSHIRE, HR7 4RN**

**For: Mr & Mrs Griffiths per Mr Simon Rowles, P O Box 937, Worcester, WR4 4GS**

**ADDITIONAL REPRESENTATION:**

Further to the publication of the officer report 1 additional representation has been received from a member of the public, as follows:

*'I oppose the application. The owners have made little effort to run the pub successfully. They have refused a reasonable offer to purchase, and deny the local community have an interest in it.'*

*The following update contains exempt information and has been redacted in accordance with paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information) - Schedule 12A Part 1 Local Government Act 1972.*

*In the opinion of the Proper Officer, any debate of the following information will not be, or is likely not to be, open to the public and press at the time it is considered.*

**RECOMMENDATION:** that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

**ADDITIONAL INFORMATION FROM PLANNING AGENT/APPLICANT:**

Further to the publication of the officer report, additional information has been submitted by the Planning Agent/Applicant in response to the representations received and to provide further detail in respect of the viability of the public house and the marketing exercise. These are summarised below. A full copy of the additional information and the originally submitted marketing report has been provided to members. However, following discussions with the Planning Agent, as the marketing report and accounts contain commercially and personally sensitive information, these have not been published on the Council's website.

Correspondence with Planning Agent via email

A summary of the additional information submitted was provided by the Planning Agent in an email dated 13 November 2025, as follows:

*Hi Chloe,*

*I have spoken to our clients (cc) about the committee report and some of the issues that arise from it.*

Schedule of Committee Updates

The Officer recommendation is obviously very disappointing, with the applicants having been through an extended period of marketing, after accepting that they had little choice but to sell the pub. They are firmly of the belief that they have done everything within their powers to secure a sale as a going concern.

I've attached some documents which contain relevant information on the viability of the pub and correcting some of the matters as portrayed by the CBS and CAMRA. I am concerned that the Planning Committee has not been provided with a balanced representation of the facts on which to make a decision. This is not an exhaustive list, but to pick out a few points that are noteworthy:-

- A letter is attached showing that an offer of £245,000 from the CBS was accepted in principle, subject to evidence of funding. The objector-portrayed timeline of the offers made by CBS amounts to a misrepresentation of the facts.
- The financial information attached covers the years 2017, 2018, 2019, 2021 and 2022 (with a gap for the period over which Covid substantially disrupted trade). Please note that the accounts for 2021 (seen in the 2022 Profit and Loss sheet) take into account the furlough scheme and a significant reduction in rent, i.e. the 2021 figure for profit is therefore skewed and unrepresentative.
- Within that same document, you will see a list of the rental charges that were made over a 15-year period. You can see a significant decline in values. This simply does not portray an owner that was seeking to make it unviable or unworkable for tenants.
- We wish to confirm that The Crown & Sceptre in Bromyard was marketed and sold as a going concern through the same Agents (Sidney Phillips). The expectation, in placing The Wheelwrights on the market with the same, experienced Agent, was that a sale would be found.
- We are informed that the applicants did not consent to access to HJ Pugh for a valuation to be undertaken. This does raise the question as to on what basis this valuation was carried out and the weight that can be placed on it.
- The two letters attached from previous tenants (Roly and Chris Brown) reveal the support that they received from the applicants during their time running the pub.
- The final tenant, Mr Rob James, was only on a month-to-month agreement due to the pub having already been placed on the market. You will appreciate that this was the only practical arrangement at that time, with the decision having been made to sell.
- Each pub's circumstances must be assessed on their own particular merits and the suggestion that because other pubs have been revived elsewhere in the county does not directly translate to the circumstances at The Wheelwrights in Pencombe.
- It is relevant to note the absence of future government funding for community groups to purchase the pub. This further diminishes any chance of a successful sale. Please see the link below.

<https://www.countryside-alliance.org/news-content-type/dismay-as-government-axes-grant-that-saves-rural-pubs>

I trust that these matters can be brought to attention of Members as part of the Update Sheet. Alternatively, if the committee item was to be deferred it might give you more time to properly consider the full facts. We remain of the opinion that the pub is unviable and that it has been more than adequately marketed over an extended period of time. The significant reductions in the asking price bear testimony to the fact that the owners were genuinely looking to achieve a sale.

I would respectfully advise that some of the information attached relates to financial data of previous tenants and that other documents may also need to be redacted before display on the Council's website.

Kind regards,

Simon Rowles MRTPI

## Trading and Profit and Loss Accounts

Trading and profit and loss accounts have been provided for the years ending March 2017, 2018, 2019, 2021 and 2022.

Due to the commercial sensitivity of the accounts, these have not been published on the Council's website. However, members have been provided with an unredacted copy.

#### Appendix A – Rent History

A letter has been received from the applicants confirming the rent per annum, excluding VAT, since 2007 to May 2025. The letter also refers to discounts on rent through covid and to accommodate the tenants' circumstances, as follows.

*'Purchased: January 2007*

*Rent per annum (excluding VAT):*

*2007: 24,000  
2008: 24,000  
2009: 24,000  
2010: 24,000  
2011: 20,000  
2012: 20,000  
2013: 20,000  
01/05/14: 15,600  
01/06/14: 12,000  
01/09/16: 12,600  
01/03/18: 13,200  
01/05/23: 12,000*

*April, May & June 2020 – No rent was charged due to covid No rent charged*

*July & August 2020 – 50% rent was charged*

*March 2021 – 50% rent was charged due to covid – even though they claimed their furlough payments in full throughout the covid pandemic*

*Each new tenant had one month's free rent as a goodwill gesture.*

*June 2023 – We gave [REDACTED] 50% discount [REDACTED]*

*The previous tenants admitted ... [REDACTED]. In December 2020 they were unable to pay the rent so we let them pay it late (3 weeks)*

*There was and never has been any daytime trade at the pub, even though a previous tenant wrote to several organisations (walking groups, age concern groups and the like) offering lunch group discounts, teas, coffees etc to drum up trade for the daytime but to no avail, it is very much an evening/weekend trade.*

#### Appendix B - Letter from Sidney Phillips

The letter from Sidney Phillips is addressed to the applicant to notify them of an offer which had been received from the Community Benefit Society and the position following receipt of such. The main body of the letter states the following:

*'Further to our recent telephone conversation, we confirm we have received an offer for the above property from Mr Russell Stevens on behalf of the Community Benefit Society in the sum of £245,000 subject to contract.*

*As instructed we have advised this offer is acceptable in principle, subject to them providing us with unconditional confirmation that the necessary funds are available to enable them to purchase at this figure.*

*Until this is received the business will remain fully on the market and we will keep you advised of all further developments.'*

## Appendix C – Letters from Previous Tenants

Copies of two letters from a previous tenant of The Wheelwrights have been provided, dated 28 November 2016 and 06 September 2022, as follows:

28 November 2016

*'Sorry for the late reply to your letter dated 17th November 2016. Thank you for your terms, which are agreeable. Special thanks for the rent arrangement, that is very helpful. It has always been an intention to replace the landing carpet, but there always seems to be something more urgent to pay. We still will replace it, however, we promise those stains were there exactly the same when we took the pub over. Leave it all with us, and we will do our best to get everything tended to as soon as possible.'*

06 September 2022

*Following our conversation, here is Roly's and my 6 months' notice in writing — to terminate our tenancy on 31st March 2023. It is with deep regret,.. [REDACTED]. We would like to thank you both for what you have done for us. We have had a wonderful 8½ years.'*

## Appendix D – Planning Objections Response

A letter has been received from the applicants in response to the representations received for the application, as follows.

### **'RENT INCREASE**

*As shown in rent history report apart from a minimal increase (£50 per month) in 2016 and 2018, which was agreed with the ingoing tenants in their tenancy agreement, there has been a significant rent decrease, so how that can be putting financial pressure on the tenant is beyond us.*

### **CROWN & SCEPTRE, BROMYARD**

*We did not get change of use on the Crown & Sceptre, it was sold in March 2016 as a going concern to a Mr. Ludovictus Weekers who ran it as a public house until he sold it himself. It was the new owners who brought it off Mr. Weekers who actually obtained change of use and nothing to do with us whatsoever. As regards that we have another pub in the area that we are applying for change of use on, the only other pub we own is The White Lion in Leominster and that is a thriving business and we have no intention of changing that, in fact the tenants have just renewed their tenancy for another five years.*

### **JAMES LEWIS OFFER OF 170K**

*This was not an official offer, but in fact a glib comment made to our son in the pub one night when he said "tell your old man I'll give him 170k for The Wheelwrights in cash".*

### **ROLLING TENANCY**

*This was agreed by both ourselves and Mr. James at the time of his taking on the tenancy as he wanted a pub with more scope to pursue his darts teams but he was happy to take on The Wheelwrights in the meantime and we were happy as it meant we didn't have to close it down and gave it more chance of selling as a going concern. With regards to the back garden, Mr. James did not want to use it for the business as he had 4 dogs (Spaniels) which were kept in a fenced off area taking up most of the garden space. We did however, remove a fallen tree and erect a new fence in the garden to make it secure for the dogs.*

*We wanted to refurbish the property, upstairs and down before Mr. James took over but he wanted to open the pub as soon as he could because Easter was coming up (the following weekend) and he wanted it open for then, so we spent a week frantically cleaning, painting and generally tidying the downstairs (with a lot of help from Mr. James and his friends) to get the work done. We offered to do work upstairs after the opening but Mr. James said he would do it himself as he was just grateful that we had given him the opportunity to take on the pub.*

### **LACK OF INVESTMENT**

*As to lack of investment in the kitchen, in April 2023 we installed a brand new stainless steel canopy and lined all the walls in the kitchen and prep room with Proplas wall panelling. We had a conversation with the brewery rep as to whether there would be any help towards the cost of upgrading the cellar and installing a new cellar cooling system but due to the low barrellage figures were told it was highly unlikely. We also upgraded the fire alarm system.*

#### **Total expenditure:**

- Kitchen canopy: £425.00
- Kitchen walls: £814.66 (materials only)
- Carpets: £1,150.00
- New Fire alarm: £4,320.00
- New Heating thermostat: £240.00
- Garden maintenance: £360.00
- New garden fence: £883.20

**Total: £8,192.86**

*The Wheelwrights Arms is not the only pub that we own, we also own The White Lion in Leominster as mentioned previously, and whilst there is only so much income generated from the two pubs, we invest where we think the money is best spent. We have invested more at The White Lion, fitting a new kitchen, new boiler, roof repairs to toilet block and more recently the drainage, as it is now susceptible to flooding since housing has been built next door and also had to pay for the damage caused when the whole of the downstairs flooded and the insurance company would not cover the cost of repair. We are also in the process of upgrading the fire alarm system too.*

### **VALUATION**

*We find it hard to believe that a proper valuation has been carried out as we have not given access to anyone to enter the premises, so any valuation must be based on an external inspection only.*

### **PURCHASE WITH INTENTION OF CHANGE OF USE**

*We find this comment ridiculous, so we were supposed to have purchased the property in 2007 with the intention that in 18 years time we would apply for change of use. We've heard of forward planning but that is absurd.*

### **SECURITY FENCING**

*This was erected on 06/09/2024 as a stipulation from our insurance company to make the property as secure as we could. However, we do ... [REDACTED].*

### **FOOTBALL AND CRICKET**

*There has not been a Cricket or Football team in the village for at least five years if not longer and with regard to the Crib team, that is only one night a week and based on a home and away basis, they are actually only in the pub once a fortnight, you don't see them in there any other night and unfortunately you need more than that support to survive.*

### **VILLAGE HALL**

*Since the pub closed, there have been pub nights held in the village hall once a month, also lunch clubs and gardening clubs, film nights to mention just a few, so to say that the pub is the only place for people to meet is a bit of an exaggeration.*

## **OFFICER COMMENTS**

The additional information has been reviewed in detail. However, it is still considered that insufficient information has been provided to demonstrate compliance with Policy SC1 of the Core Strategy.

In respect of alternative facilities, the information advises that, since the public house closed, the village hall has held pub nights once a month, and also lunch clubs, gardening clubs,

and film nights. Whilst such is acknowledged, it is not considered that the events and frequency of such would offer an alternative facility equivalent to The Wheelwrights Public House.

With regard to the viability of the business, the submitted information confirms that the public house was run by the same tenants for approximately 8.5 years up to 31 March 2023. Accounts have been provided showing the years ending 2017, 2018, 2019, 2021, and 2022. All year's show a profit, although the profit margins vary with 2017, 2019, and 2022 being particularly low, whilst 2018 and 2021 were much higher, though Officers note the increased profit over 2021 was due to Government grants associated with Covid-19 and that this is not representative of a typical year's trading. The rent history provided by the applicants shows a significant reduction in rent from 2007, when the applicants purchased the public house, to May 2014. The rents for years 2016 and 2023 were then similar, with a slight increase for 2018. The information also advises that rent discounts were provided through 2020-2021, due to Covid 19. Although the accounts show low profit margins across a number of years, casting a degree of doubt on the viability of the business during this period, little information has been provided to set out how the public house was being run throughout this time, for example whether there were limited days and hours or opening or whether alternative business models were considered to improve the profit margin.

The final tenant took over around April 2023 and ran the public house until it closed in September 2024, on a month-to-month agreement due to the public house already being placed on the market. The month-to-month contract was agreed with the landlords and the tenant; the additional information advises that *"This was agreed by both ourselves and Mr. James at the time of taking on the tenancy as he wanted a pub with more scope to pursue his darts teams but he was happy to take on The Wheelwrights in the meantime..."* During the time Mr James ran the public house, Officers note that the garden was used privately only and not open to the public. Whilst the information provided by the landlords regarding the rent discount and tenants circumstances throughout this time are acknowledged, no accounts have been provided to cover this period, nor any information on how the public house was being operated.

Despite the evidence provided in respect of the viability of the public house, Policy SC1 is clear that the proposal must also demonstrate that the property has been vacant and actively marketed for community use without success. The letter from Sidney Phillips dated 17 July 2024 confirms that an offer from the Community Benefit Society of £245,000 was accepted but not completed and Officers are aware that two lower offers from other potential purchasers were accepted in April 2024 and December 2025 but were also not completed. Whilst the acceptance of lower offers is noted, this does not address concerns that the asking price, and the guide price for the auction, has been too high throughout the marketing campaign, likely putting off potential buyers. Due to the differences between the asking prices by Sidney Phillips and the valuation by H J Pugh (noting this may have been carried out without internal access), along with consideration of the recent sold prices of other public houses in Herefordshire provided by CAMRA, Officers continue to have doubts about the selling price advertised and therefore the adequacy of the marketing exercise as a whole. No detailed valuation, acknowledging the condition of the property and potential investment required, or assessment and comparison to sold prices of other public houses in the surrounding area, has been provided by the applicants.

The applicants have provided information regarding the investments made into the property in 2023, including installation of a new stainless-steel canopy and Proplas wall panelling in the kitchen and prep room, and new carpets, fire alarm, heating thermostat, and garden fence. Whilst these are acknowledged, Officers note that the sales brochure advises that the catering kitchen is only partially fitted to commercial standard, and no response has been provided to representations received which suggest there may be issues of mould and a structural issue with the roof, which would likely need to be addressed by any potential purchaser.

Officers are also aware that the government funding for community groups to purchase the public house has been removed. However, this does not mean that marketing carried out at an appropriate asking price would not generate interest from other potential purchasers, noting the lower offers which were received but rejected, as set out in the Marketing Report.

#### **CHANGE TO RECOMMENDATION**

No change to recommendation.



# PLANNING and REGULATORY COMMITTEE

**19 November 2025**

## PUBLIC SPEAKERS

| Ref No.                               | Applicant                                                     | Proposal and Site                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Application No. | Page No. |
|---------------------------------------|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|
| 6                                     | The Church Commissioners<br><br>per<br><br>Miss Tara Johnston | Outline Planning application with all matters reserved, except access, for the first phase of an urban extension comprising up to 350 homes (Use Class C3); and a care home (Use Class C2), park & choose interchange; together with open and play space, landscaping, infrastructure and associated works at <b>LAND AT THREE ELMS, NORTH EAST QUARTER TO THE NORTH EAST OF HUNTINGTON AND BOUNDED BY THREE ELMS ROAD AND ROMAN ROAD, HEREFORD, HEREFORDSHIRE, HR4 7RA</b> | 222138          | 33       |
| CITY COUNCIL<br>OBJECTOR<br>SUPPORTER |                                                               | MR MILLN (Hereford City Council)<br>MR HULL (Local Resident)<br>MS BARRETT-MUDHOO (Applicant)                                                                                                                                                                                                                                                                                                                                                                               |                 |          |
| 7                                     | Herefordshire Council<br><br>per<br><br>Mr Gareth Hooper      | Proposed two-storey educational building with associated landscaping and infrastructure works at <b>AYLESTONE HIGH SCHOOL, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY</b>                                                                                                                                                                                                                                                                                            | 251073          | 177      |
| OBJECTOR<br>SUPPORTER                 |                                                               | MR HANCORN (local resident)<br>MR MOLYNEUX-WRIGHT (Applicant's agent)                                                                                                                                                                                                                                                                                                                                                                                                       |                 |          |
| 8                                     | Mr & Mrs Griffiths<br><br>per<br><br>Mr Simon Rowles          | Proposed change of use from a public house (Sui Generis) to a dwellinghouse (Class C3) at <b>THE WHEELWRIGHTS, PENCOMBE, HEREFORDSHIRE, HR7 4RN</b>                                                                                                                                                                                                                                                                                                                         | 252087          | 227      |
| PARISH COUNCIL<br>OBJECTOR            |                                                               | MR BURGE (Pencombe Group Parish Council)<br>MR LEWIS/MR HASLAM (local resident/CAMRA representative)                                                                                                                                                                                                                                                                                                                                                                        |                 |          |

