

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>19 November 2025</b>
<b>TITLE OF REPORT:</b>	<b>252087 - PROPOSED CHANGE OF USE FROM A PUBLIC HOUSE (SUI GENERIS) TO A DWELLINGHOUSE (CLASS C3). AT THE WHEELWRIGHTS, PENCOMBE, HEREFORDSHIRE, HR7 4RN</b>  <b>For: Mr &amp; Mrs Griffiths per Mr Simon Rowles, P O Box 937, Worcester, WR4 4GS</b>
<b>WEBSITE LINK:</b>	<a href="#">Planning Application Details - Herefordshire Council</a>
<b>Reason Application submitted to Committee – Applicant related to a member of staff.</b>	

Date Received: 18 July 2025

Ward: Hampton

Grid Ref: 359823,252749

Expiry Date: 19 November 2025

Local Member: Cllr B Baker

## 1. Site Description and Proposal

- 1.1 The application site lies within Pencombe, north of the C1114, and is surrounded by residential properties. The site contains a public house with two bedroom manager's accommodation above, known as 'The Wheelwrights'. The external walls of the building are mostly finished in white render, though areas of the west elevation lean to are constructed in natural stone and red brick. Two full height chimneys exist on the east and west elevations, constructed in red brick and stone, and a timber framed porch with dual pitched roof extends from the front elevation. The roof of the porch and dwelling are finished in natural slate.
- 1.2 The building is set back from the road, behind a hard surface used for parking/turning. The east and west boundaries are defined by close boarded timber fencing, and the north by dense landscaping.



- 1.3 The proposal is for change of use of the public house to a dwelling. No external alterations are proposed and the internal floor layout would be retained, except for the removal of fixtures and

fittings associated with the existing use, including the bar and seating. Proposed ground and first floorplans are shown below.



## 2. Policies

### 2.1 The Herefordshire Local Plan – Core Strategy (CS)

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS5 - Employment provision
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA1 – Rural housing distribution
- RA2 – Housing in settlements outside Hereford and the market towns
- RA5 – Re-use of rural buildings
- RA6 – Rural economy
- H3 – Ensuring an appropriate range and mix of housing
- SC1 – Social and community facilities
- MT1 – Traffic management, highway safety and promoting active travel
- E1 – Employment provision
- E2 – Redevelopment of existing employment land and buildings
- E4 – Tourism
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- LD4 – Historic environment and heritage assets
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment and river water quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-  
<https://www.herefordshire.gov.uk/planning-and-building-control/local-plan/local-plan-core-strategy/adopted-core-strategy-2011-2031/>

### 2.2 Pencombe Group Neighbourhood Development Plan

A neighbourhood area was designated on 12 May 2016. However, there is currently no draft or 'made' Neighbourhood Development Plan.

## 2.3 National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 34 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, loss of community assets, and protection of the natural and historic environment (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

## 3. Planning History

- 3.1 DCN991455/F (NC1999/2792/F) - Change of use of redundant outbuilding to create self catering holiday accommodation. Approved.
- 3.2 DCH980043/F (N98/0024/N) – New oak framed porch. Approved.

## 4. Consultation Summary

### Statutory Consultations

4.1 **Welsh Water Comments** – No objection, subject to conditions.

*'We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.'*

*Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.*

#### Conditions

*No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.*

*Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment'*

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Further information on the subject of this report is available from Chloe Allen-Hewitt on 01432 260000

## Internal Council Consultations

### 4.2 Ecology Comments – No objection, subject to conditions.

#### ***Habitats Regulations Assessment***

*The application site lies within the 'Lodon' hydrological catchment of the River Lugg SAC, which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance for its aquatic flora and fauna.*

*At present the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.*

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*The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.*

#### ***Notes in respect of HRA***

*The proposal is for the change of use of an existing public house (Sui Generis) to ONE dwelling house.*

- The proposal is to manage foul waters via the existing mains sewer connection. At this location the mains sewer network is managed through DCWW's Pencombe Waste Water Treatment Works (WwTW).*
- The existing public house includes a small managers flat which until recently (September 2024) was tenanted (i.e. overnight accommodation).*
- The proposal is to turn the entire public house into one 4-bedroom dwelling. Therefore, no additional dwellings will be created and this can be considered a 'like for like' replacement and no new or additional nutrient pathways created and no change in existing nutrient loading calculations is identified.*

*No other potential effects on the River Lugg (Wye) SAC are identified for this proposed development at this location.*

*As all mitigation measures are clearly embedded into the proposed development and plans supplied and approved this application can be considered as 'screened out' at Stage 1 of the HRA appropriate assessment process and no formal consultation with Natural England is triggered for this specific application.*

#### ***Ecology***

*The proposal does not include any external alterations, and there will be minimal alterations internally. Based on supplied and available information there are no effects on local ecological interests identified for the proposed development at this location as the application is for a proposed change in use of the building. The applicant should be reminded of their and their contractors' legal obligation to wildlife protection at all times during construction as afforded through the Wildlife & Countryside Act.*

#### ***Wildlife Informative***

*The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.*

### **Biodiversity Net Gain**

*As this application does not include any external alterations, and therefore is exempt as it is a development below a de minimis threshold. This is because the proposed does not:*

- *Impact a priority habitat; or*
- *Impact more than 25<sup>2</sup>m of non-priority habitat.*

*“This exemption applies to development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m x 5m) of non-priority onsite habitat (such as modified grassland) or 5m for non-priority onsite linear habitats (such as native hedgerows). This exemption is designed to ensure that BNG does not apply to either very small scale development or development which does not impact habitat, through loss or degradation within the red line boundary. In practice, this will be demonstrated by a decrease in the biodiversity value, which is determined by the biodiversity metric.”..” It’s worth remembering that existing sealed surfaces such as tarmac or buildings are assigned a zero score in the statutory biodiversity metric, meaning that these surfaces are effectively exempted from the 10% net gain requirement.” Government Guidance 22nd January 2024*

*If any amendments are made to the proposed development that impacts over 25m<sup>2</sup> of any natural or unsealed surfaces the statutory BNG ‘condition’ will automatically apply*

#### **4.3 Area Engineer (Highways) – No objection.**

No objections to the proposed, no highways implications

### **5. Representations**

#### **5.1 Parish Council Comments: Object.**

*On behalf of our Parish residents we wish to strongly object to planning application P252087/F for change of use of the Wheelwrights Arms public house to a private dwelling.*

*In talking to the residents it is overwhelmingly clear that they do not want change of use to be granted and that they have felt the negative effect of the loss of the local pub over the last 14 months, waiting in hope that it will re-open as such. The objections registered on the planning website back this up with 73 individual objections.*

*We feel that the pub is a vital piece of our community, encouraging social connection, facilitating information flow and building the sort of friendly atmosphere that seems to be disappearing in today’s society, where people in rural areas are becoming increasingly isolated. The permanent loss of the Wheelwrights Arms as a public house will have an enormous negative impact on the community, being that one place that would bring people together from different generations and different walks of life, in a way that other community gatherings struggle to achieve – coffee morning for example, although well supported and a great social activity in itself, is largely supported by the retired generation. It is our fear that without the Wheelwrights Arms as a public house, younger people moving to the village will not integrate, add their own personality to village life and contribute to what is so unique and great about living in a village like Pencombe.*

*The Wheelwrights Arms is also a historic part of Pencombe, one of the oldest remaining buildings, dating back to the 16<sup>th</sup> century. It certainly is a building that, located near the centre of the village will be memorable to people who have lived here or visited. Pencombe is actually*



*quite a popular tourist destination, with multiple Holiday Lets in the area – a local village pub fits entirely with this attraction to the area.*

*In terms of the application itself, the owner's claim in point 4 of 'Introduction and Site Context' that "interest has been secured, including from community groups, but no offers have progressed to completion", this is due entirely to the owner. A Community Benefit Society was set up and a sales price was agreed on with the owner, work was largely done on the grant proposal and community funding for the non-grant portion appeared to be no issue following responses to a questionnaire that was circulated within the community. However, this only failed to progress to completion because the owner raised the already above valuation price by a further 30%, claiming it was due to how busy it was (contrary to his claim regarding commercial viability). By the time the owner decided that he would be willing to reduce the price (again, still above valuation), the government grant scheme had been withdrawn.*

*I believe there have been multiple other offers made above valuation, including from local residents keen to see The Wheelwrights Arms re-open, however the owner's asking price has been too high and he has shown little willingness to move on this, seemingly with this change of use end goal in mind. I think that it is worth noting that the owner is not a resident of the Parish and has done very little in terms of investing in the upkeep and maintenance since buying the Wheelwrights Arms.*

*Whilst I'm sure the Planning Committee are aware of the existing policies and legislation, we would like to point out Paragraph 98 of the National Planning Policy Framework, that planning decisions should 'guard against the unnecessary loss of valued facilities and services', and also Policy SC1 of the Herefordshire Core Strategy requiring community facilities to be retained 'unless demonstrably not viable and no longer needed' – we definitely do not feel that this is the case given the offers made above valuation.*

*Although there is The Three Horseshoes Pub in Little Cowarne, The Wheelwrights Inn is the only pub in the village of Pencombe. Considering the demographic of the village it is unreasonable to consider The Three Horseshoes as a replacement option, with walking distance from Pencombe being over 2 miles along narrow country lanes with limited visibility to traffic.*

## 5.2 **73 letters of objection:** Summarised under key themes below:

### *Loss of a Valued Community Asset*

The Wheelwrights Arms is described as the social heart of Pencombe, serving as a hub for residents across generations. It has hosted sports teams, darts and crib nights, Young Farmers meetings, charity events, and informal gatherings. Many residents advise the pub has previously been well supported and successful. Objectors stress that its closure would irreversibly damage the village's social infrastructure and cohesion.

### *Mental Health and Social Inclusion*

Multiple representations highlight the pub's role in combating rural isolation, particularly for elderly residents and those in farming communities. The pub is seen as a safe and welcoming space for informal support and connection, essential for mental wellbeing. Closure of the pub during covid and in 2024 is stated to have had a measureable impact on local social life.

### *Economic and Tourism Impact*

The pub supports local businesses, including holiday lets, wedding venues, and tradespeople. Its closure is seen as detrimental to the local economy and tourism offer, particularly in a county promoting rural tourism where a local pub adds to the visitor experience and attraction. The pub also provides employment for local people and supports a network of suppliers.

### *Neglect and Intentional Decline*

Objectors allege that the current owner has failed to invest in the property, contributing little to its upkeep, and has made it difficult for tenants to make money due to rent increases/ excessive rent. There is a damp/black mould issue in the living accommodation and toilets, the catering kitchen has not been maintained to commercial standards, and there is a structural issue with the roof. Objectors state that the owner set an unrealistic asking price, noting the buildings condition and comparing to other pubs in the locality which have been sold and are retained as pubs; offers to purchase the pub have reportedly been

declined. Residents advise that there is demand for the facility in rural locations and consider that the pub would sell if the price was right, with the correct investment and setup.

Furthermore, a number of comments highlight that the pub was running successfully in recent years, including through 2023, when it was the functioning hub of the community. The most recent tenant ran the pub for one year as, due to the pub being on the market, the owner would only grant a one-month rolling tenancy. Despite this, the tenant ran a successful business and only moved on as he was offered a more secure tenancy in a different pub. The previous tenants ran the business in excess of ten years and only left due to ill health.

#### *Community Interest in Acquisition*

A detailed timeline from the Wheelwrights Arms Community Benefit Society (CBS) outlines multiple offers made to purchase the pub, including £180,000, £250,000, £280,000, and £240,000. A professional valuation by H J Pugh placed the property at £170,000, significantly below the asking price. Bids to purchase the premises were initially accepted by the owner, but the asking price was subsequently increased. A number of objectors state that there is still appetite and wherewithal to proceed to purchase the pub as a community asset.

#### *Policy Conflict*

Objections cite Policy SC1 and RA6 of the Herefordshire Core Strategy and Paragraphs 88, 96, 98 and 216 of the NPPF, arguing that the application fails to demonstrate that the pub is no longer viable or required. Reference is made to the Newtown Inn, Lower Eggleton appeal case where similar circumstances led to refusal (planning reference: 191533 relates).

#### *Heritage and Cultural Value*

The Wheelwrights is described as a non-designated heritage asset, with historic and cultural significance that extends beyond its commercial function. The loss of the pub would detract from the historic environment of Pencombe.

#### *Accessibility and Alternative Provision*

The nearest alternative pub is The Three Horseshoes, which is not considered a viable substitute due to distance, terrain, and lack of public transport; there is limited accessibility of those with mobility challenges. Requiring residents to travel further afield is a cause for highway safety, and would increase pollution and cost.

### 5.3 CAMRA Comments – Objects, comments as follows:

*Herefordshire CAMRA objects to this proposal on the following grounds:*

1. *Negative social and economic impact on the local and wider community*
2. *Failure to demonstrate that the pub business is commercially unviable*
3. *Inadequate marketing of the premises as a pub business*

#### *1. Social & Economic impact of the proposal*

*1.1 The Wheelwrights Arms is the only public house in the village of Pencombe and has been for around four centuries. It is the only facility in the village that provides an ad hoc social meeting venue for the local community where they can drop-in spontaneously. Further, the Wheelwrights has been a meeting place for generations for social clubs, sporting clubs and for wakes, wedding receptions and private parties. The loss of this facility will have a significant and persistent harmful effect on the social health of the local community. This is borne out in the correspondence provided in more than seventy objections to this proposal.*

*1.2 There is no realistic viable alternative pub the community in Pencombe can use. The next nearest pub is the Three Horseshoes at Little Cowarne. This is over a mile distant from Pencombe along narrow country roads that have neither pavements nor street lighting. It isn't realistically feasible to walk or cycle to from this other pub, therefore, this proposal would either invite the spectre of drink-driving, but for those who have no access to a private car (including the elderly and less well-off) they will have no access to this facility. Moreover, currently the Three Horseshoes is very much a food-led operation that specialises in accommodating the needs of wedding parties and other similar group gatherings. It doesn't have the trappings of a community-focused pub like the Wheelwrights Arms.*

Even if its distance from Pencombe could in some way be overcome, it is difficult to see how it can realistically replace the community-focused amenities that have been provided for generations by the Wheelwrights Arms.

1.3 The permanent loss of the pub will also have a negative impact on the economic vitality of the local community. Historically, the Wheelwrights has provided employment to local people. Therefore, its permanent loss will further reduce already scarce employment opportunities in this rural community. Specifically, it will result in the loss of part-time employment opportunities that will have a particularly negative impact on the young seeking employment and second-wage earners in local households, many of whom will not have regular (or any) access to private transport.

1.4 Finally, a broader and more subtle economic impact will be felt in both the local and wider community. The pub's loss will impact tourism and the 'destination' hospitality offer by reducing the choice of country pubs available to visit to the wider community. Its loss will diminish the opportunity for new pub operators to establish and build businesses in Herefordshire, plus there will be a further economic impact as local businesses, who have provided services and goods to the pub for generations, lose trade.

## 2. Failure to demonstrate the pub business is not viable

2.1 The onus lies with the applicant to provide evidence to demonstrate that a pub business is no longer commercially viable. It is CAMRA's view that such evidence has not been provided with this application. Whilst CAMRA takes no issue with the view of the current owner in terms of not wishing to run the pub business, it is our view that past trading experience by an individual owner/operator is not necessarily representative of a pub's structural (long term) viability. In other words: past performance of a business (good or bad) is not a guaranteed indicator for future business performance. A particular pub operator at a moment in time may struggle for a host of reasons, which may include how they have financed and run their business. Key personal financial attributes can vary greatly from one operator to another, thus questions need to be asked, such as: Is a business secured by loans? Is there a mortgage to be serviced on the property? What is their personal financial and domestic situation of the operator? All of these factors will vary significantly from one pub operator to another and will have a major bearing on the success or otherwise of a pub business. Thus, it is imperative to ensure that other potential operators (who will invariably have a different business model and/or funding arrangements) are provided with an opportunity to purchase a pub by it being marketed for sale (this is covered in Section 3).

2.2 The Wheelwrights has a number of key advantages as a village pub. It will be these that explain why it has traded successfully as a village pub (largely uninterrupted) for such an extended period of time. The pub has all the facilities required to provide the social amenity that Pencombe requires, as well as attracting visitors from the likes of Hereford and Bromyard (just like the Three Horseshoes in Little Cowarne also does). The case of both the Kings Head at Docklow, HR6 0RX and the Lamb Inn at Stoke Prior, HR6 0NB are pertinent here; both of these pubs are in smaller or similar-sized settlements to Pencombe, but after surviving recent attempts to convert them into private houses (and following extended periods of closure during which time they were not marketed for sale), both are now open again and trading successfully. CAMRA sees no reason as to why this cannot be achieved with the Wheelwrights Arms.

## 3. Inadequate Marketing of the Pub Business

3.1 CAMRA believes the marketing of the Wheelwrights as a pub business cannot be considered to be sufficiently robust, such that it fails to satisfy the provisions of Herefordshire Council Planning Policy SC1, Section 5.1.36, whereby it states explicitly that at least twelve months of marketing activity needs to be undertaken.

3.2 CAMRA does not have sight of the Sidney Phillips marketing report for the Wheelwrights Arms as provided with this application by the owner. However, in the planning document submitted with this application, it is stated the pub had been marketed for 30 months and that there had been significant reductions in the asking price, without stating when during the sale process that these reductions were initiated. There are copies of two Sidney Phillips sales particulars provided with this application: one for the auction, and another showing the pub for sale at £250,000, but these documents are undated. Further, it makes brief mention of "interest from community groups" without explaining why these did not proceed. Finally, there is no mention of any effort being made by the owner to consider alternative community uses for the premises as is also required by Herefordshire Council Policy SC1.



3.3 Despite not having sight of the marketing report, it has still been possible to undertake an analysis of the marketing of the Wheelwrights Arms as a pub business. What has enabled us to achieve this is the submission of a document by Mr James Lewis in his objection that is logged on the Herefordshire Council planning portal for this application. Mr Lewis, as well as being an experienced pub operator and brewer/cider-maker, is a member of Pencombe Parish Council and Chair of the Wheelwrights Arms Community Benefit Society (CBS), who sought to purchase the pub with the aim of taking it into community ownership. Furthermore, prior to this initiative, he also claims to have made a number of personal offers to purchase the premises as a private individual. The background and timeline of these efforts are set out in detail in Mr Lewis's objection submission. Without wishing to duplicate these matters in detail, this report instead paraphrases key events and highlights some of the most pertinent details. These are set out in the next paragraph.

3.4 Mr Lewis states that in 2023 the Wheelwrights Arms CBS made an offer of £250,000 to purchase the freehold of pub and this was accepted by the owner. However, it is then claimed that this price was later increased by the owner. Subsequently, the CBS made a further (higher) offer of £280,000. This offer was accepted by the owner. However, when the CBS had the pub independently valued (this was a requirement of one of the grant bodies that were part-funding the purchase) by Ledbury-based commercial auctioneers and valuers, H J Pugh & Co, they advised a valuation of at £170,000 based on the pub's facilities and condition. Subsequently, with the large disparity between the valuation and the asking price, it was deemed necessary for the CBS to withdraw the offer as the grant monies promised would not be forthcoming owing to the significant mismatch in valuations. Later, as the local community became increasingly concerned about the future status of the pub, a new offer was made by the CBS to the owner for £240,000 freehold. Despite this offer being in excess of the H J Pugh & Co valuation by a sum of £70,000, the offer was declined by the owner. The pub has remained unsold since. The H J Pugh & Co valuation document has been submitted as evidence with Mr Lewis's objection.

3.5 To test the asking price of the Wheelwrights Arms, CAMRA has taken the opportunity to look at other pubs that have recently been sold across Herefordshire. How do their attributes/facilities along with their actual SALE prices (for which they were actually sold) compare to the aspirational asking price for the Wheelwrights Arms? Such a comparative pricing exercise can be a valuable tool in helping to understand the likely true market value of a pub. CAMRA has successfully used this technique before, and such analyses have withstood scrutiny at HM Planning Inspectorate appeal hearings, whereby they have been deemed to be material in arriving at the conclusion that a pub had been overvalued for sale.

3.6 There are two pubs that have recently been sold in Herefordshire that can help inform how realistic the owner's valuation of the Wheelwrights Arms is.

3.7 The Red Lion at Madley, HR2 9PH, was sold in 2024 for £280,000 freehold based upon an asking price of £325,000. The sales particulars for this property are attached as Appendix 1 to this document. Noteworthy with this pub property is that it boasts three-bedroom owners' living accommodation, plus a further EIGHT en-suite letting rooms. Inside it has three public dining/drinking areas; a fully-equipped catering kitchen, and a functioning beer cellar. It also benefits from a large brick-built barn as one of a number of outbuildings along with a substantial garden. It is located in a popular and more populous village than Stoke Prior; it is only six miles from Hereford, and has successfully traded in the very recent past. It is quite evident that this property is superior to the Lamb Inn in terms of its location, trading history and the scope and size of its facilities, yet it was sold in 2024 for only £30,000 above the lowest asking price being asked for the Wheelwrights Arms.

3.8 The Roebuck Inn at Brimfield, SY8 4NE, was sold in April 2025 for £200,000 based on an original asking price of £295,000 (later reduced to £265,000) freehold. The sales particulars for this property are attached as Appendix 2 to this document. This Grade II-listed village pub comes with a previously highly successful trading history. Located in the Village of Brimfield, it is just off the A49 trunk road and is only four miles from Ludlow. The property is advertised as benefitting from three trading areas (including a 30-cover restaurant) and comes with three en-suite letting rooms; four-bedroom owners' living accommodation, plus it boasts a separate café, garden and substantial car park.

3.9 Noteworthy is that the Wheelwrights Arms is smaller than both of these pubs; it doesn't benefit from having en suite guest accommodation, nor does it have extensive dining areas like they do. It is clear that both of these pubs are far superior to the Wheelwrights Arms, yet the prices they sold for sit in the

same region (and in one case lower) as the lowest asking price for the Wheelwrights Arms. These two comparator pubs have traded successfully in recent times, whereas the Wheelwrights has struggled, with trading volumes likely to not have been helped due to under-investment in the pub's facilities and fabric over recent years, which will only further reduce its market value. CAMRA believes this pricing comparison evidence is entirely consistent with the £170,000 valuation provided by H J Pugh & Co to the CBS for the purchase of the Wheelwright Arms.

3.10 This exercise demonstrates that the asking prices that have been advertised for the Wheelwrights Arms to date have been out of kilter with the prevailing local pub market. This over-valuation of the property, allied with the pub's poor physical condition (as is referred to in the H J Pugh & Co valuation document), will likely explain why the pub has failed to attract a buyer. It is important to recognise that a potential buyer is likely to: a.) need to borrow at least some commercial money, and, therefore: b.) require an independent professional valuation. Unless they are a cash buyer willing to pay in excess of the H J Pugh & Co valuation, it would be impossible to fund the purchase of the pub for the reason that lenders will take heed of the professional valuation for the reason that the security on their loan is in the property's equity – this is an immutable fact. Ironically, it was this very issue of not being able to resolve the mismatch between the asking price and likely true market value that ultimately forced the CBS to withdraw their offer for the Wheelwrights Arms.

3.11 Therefore, CAMRA contends that the marketing exercise so far undertaken has not been a genuine endeavour to sell the property as a pub business for the reason the asking price is not commensurate with what its market value. There is little doubt this will have deterred serious interest from potential buyers, and it would appear to have also thwarted efforts by the CBS to buy the pub on behalf of the local community.

3.12 In conclusion, CAMRA believes to grant consent to this application would, at the very least, be grossly premature. In light of the valuation evidence as presented, and taking into consideration the significant permanent social and economic harm that will be created, it should be resisted. Furthermore, only the rejection of this application will provide a proper opportunity for the local community to make fresh moves to buy their local pub.

**CAMRA RECOMMENDS THIS APPLICATION SHOULD BE DECLINED**

Appendices attached with this document:

Appendix 1: Sales Details Red Lion Madley.pdf

Appendix 2: Roebuck Inn Brimfield.pdf

The consultation responses can be viewed on the Council's website by using the following link:- <https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=252087&search=>

## **6. Officer's Appraisal**

### **Principle of Development**

#### **Locational Sustainability**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 Paragraph 11 of the NPPF makes clear that all decisions need to apply the presumption in favour of sustainable development. This makes clear that development which accords with an up-to-date development plan should be approved without delay. Where there are no relevant policies

or the most relevant policies are considered to be ‘out-of-date’, then the presumption in favour of sustainable development as set out by Paragraph 11 d) (‘the tilted balance’) is engaged. This means that planning permission should be granted, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination<sup>1</sup>.

- 6.4 Footnote 7 to Paragraph 11d (i) specifies that the policies referred to include those related to habitats sites, Sites of Special Scientific Interest, Green Belt land, Local Green Space, National Landscapes, National Parks, Heritage Coasts, irreplaceable habitats, designated heritage assets, and areas at risk of flooding or coastal change.
- 6.5 Footnote 8 makes clear that, for applications involving the provision of housing, policies should be regarded as being out of date if the Local Planning Authority is unable to demonstrate a five year supply of deliverable housing sites. Following changes to the standard method for calculating housing targets which accompanied the revised NPPF in December 2024, the Council is no longer able to demonstrate a five year supply of housing land. The current supply figure in the county stands at 3.11 years. The relevant policies of the development plan should therefore be regarded as being ‘out of date’ and the positive presumption as set out at Paragraph 11 d) is engaged.
- 6.6 Supreme Court judgements and subsequent appeal decisions have nevertheless confirmed that policies relevant for the supply of housing can still be afforded weight in the decision-making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision. The spatial strategy set out in the CS is considered to be largely consistent with the NPPF. As such, one should attribute significant weight to the relevant policies for determination, particularly as the CS helps in some ways define what may amount to a ‘sustainable location’, ‘effective use of land’ and ‘securing well-designed places’, key policies within Paragraph 11d of the NPPF, which can be considered individually, or in combination, together with affordable housing.
- 6.7 Policy SS1 of the Herefordshire Local Plan – Core Strategy (CS) sets out proposals will be considered in the context of the ‘presumption in favour of sustainable development’ which is at the heart of national guidance contained within the NPPF.
- 6.8 In locational terms Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the CS the Council will need to continue to support housing growth by granting planning permissions where developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans).
- 6.9 Policy RA1 relates to rural housing distribution. A minimum of 5,300 new dwellings will be provided between 2011 and 2031 to contribute to the county’s housing needs. New dwellings will be broadly distributed across the county’s rural areas on the basis of seven Housing Markets Areas (HMA). This acknowledges that different areas of Herefordshire have different housing needs and requirements.

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<sup>1</sup> The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.

- 6.10 The CS outlines that to maintain and strengthen locally sustainable communities across Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements outlined under Policy RA2. This site is within the Bromyard HMA, which is earmarked for a 15% indicative housing growth and Pencombe is listed in Figure 4.14 as a settlement which will be the main focus of proportionate housing development.
- 6.11 With the above in mind, the site is considered to be a sustainable location for residential development, according with the spatial strategy of the CS.

Loss of Community Asset

- 6.12 Whilst the site would be considered a sustainable location for residential development, the proposal would result in the loss of an existing public house and associated manager's accommodation. The public house is considered to be a community facility in respect of Policy SC1 of the CS. This policy supports the protection, retention and enhancement of existing social and community infrastructure, and makes clear that community facilities, such as public houses, should be retained unless it can be demonstrated that
- a) an appropriate alternative facility is available, or can be provided to meet the needs of the community affected (viable alternative facilities must be equivalent to those they replace, in terms of size, quality, and accessibility); or
  - b) it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and
  - c) where appropriate, it has been vacant and marketed for community use without success.
- 6.13 Paragraph 5.1.36 of the CS explains that evidence of marketing for a period of at least 12 months should be provided with any proposals involving the loss of community facilities. Furthermore, Paragraph 88(d) of the NPPF requires planning decisions to enable the retention and development of accessible local services and community facilities, such as public houses, amongst others.
- 6.14 In respect of a), no assessment of alternative facilities in the surrounding area has been provided with the application. However, Officers note that the next closest public house to Pencombe is The Three Horseshoes Inn which is approximately 1.5 miles to the south, with the route being along a narrow country lane, with a 60mph speed limit and no footway or street lighting. The public house(s) in Stoke Lacy and Bromyard are approximately 3.6 miles and 4.5 miles, respectively, from Pencombe, along similar narrow country lanes which aren't conducive to walking or cycling. There is a bus stop in the village with a service running from Hereford – Bromyard – Ledbury (and vice versa), and rural settlements in between, including Little Cowarne. However, this appears to offer a very limited service, running Monday – Friday with only one out and back route early morning/afternoon.
- 6.15 Objectors raised concerns with regard to the lack of an alternative public house, with the Three Horseshoes not considered to be a viable substitute due to distance, terrain along the route, and lack of public transport. In particular, concerns were raised regarding elderly residents or residents with mobility challenges which may find it difficult to access an alternative facility further afield. CAMRA also advised that *'...currently the Three Horseshoes is very much a food-led operation that specialises in accommodating the needs of wedding parties and other similar group gatherings. It doesn't have the trappings of a community-focused pub like the Wheelwrights Arms.'* It is unlikely that residents of Pencombe would choose to access public houses in the surrounding area on foot or by public transport and, given their distances from the application site, it is not considered that they offer an equivalent community facility in a convenient and accessible location.
- 6.16 In respect of b) the Planning Statement advises that the marketing report and accompanying evidence conclusively demonstrates that The Wheelwrights Arms is no longer viable, having been



vacant since 4<sup>th</sup> September 2024 and marketed without success. Whilst the marketing report provides a summary of the marketing campaign which has been carried out for the property, which is considered in more detail below, it provides little assessment of the viability of use of the building as a public house. It is understood that the public house has previously been run successfully and no trading accounts have been provided to suggest otherwise. The sales particulars state *'This property was acquired by our clients some sixteen years ago. Although they operated it themselves for the first two years, it was always an investment purchase and the property has been let to independent tenants over the subsequent 15 years. Therefore no trading accounts are available and prospective purchasers will need to reach their own conclusion as to the potential trade and profitability which can be enjoyed at this outlet.'* Representations received highlight that the most recent tenant ran the pub for one year as, due to the pub being on the market, the owner would only grant a one-month rolling tenancy. It is stated that, despite this, the tenant ran a successful business and only moved on as he was offered a more secure tenancy elsewhere. It is also understood that the previous tenants ran the business in excess of ten years and only left due to ill health.

- 6.17 Many of the representation letters also refer to a lack of investment in upkeep and modernisation of the public house and kitchen facilities, and suggest that such investment and a revamp of the property would further improve its viability and attractiveness to potential purchasers. Despite issues arising from the condition of the property, it appears that the previous tenants operated a successful business model and that the pub has traded successfully for a significant period of time. CAMRA highlighted two public houses which were the subject of recent planning applications for conversion to dwellings, including the Kings Head at Docklow (reference: P181136/F) and the Lamb Inn at Stoke Prior (P241366/F), both of which are in smaller or similar-sized settlements to Pencombe and have now been re-opened and trading. Currently, insufficient information has been provided to demonstrate that the facility is no longer required, viable, or is no longer fit for purpose.
- 6.18 Additionally, it is clear from the representations received that many residents of Pencombe and the surrounding area are deeply concerned and opposed to the potential loss of the Wheelwright Arms, viewing it as a valued and irreplaceable community asset which is important for social cohesion, and the mental health and wellbeing of the rural community. Reference is made to the pub being *'a thriving centre for community contact'* in December 2023, and also *'a thriving hub of Pencombe for many years'*, and *'a well-supported pub in the heart of our community'*. The need to support and seek improvements to local services and facilities in rural areas is acknowledged in Paragraph 5.1.30 of the supporting text to Policy SC1, with Paragraph 5.1.31 going on to state that the lack of local services and facilities in rural areas has been identified as a key issue in Herefordshire. Paragraph 5.1.32 states that *'Social and community facilities can be defined as physical facilities for different individuals and communities, which are provided by a range of organisations (public, private and voluntary). They provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community. These facilities play an important role in the development of a vibrant community by creating a sense of place and providing a place for people to meet and interact socially. They also offer services that are essential for education, health and well-being; and support community cohesion and benefit the general quality of life of residents.'* The need to provide the social, recreational, and cultural facilities and services the community needs, including by guarding against the loss of valued facilities and planning positively for the provision and use of community facilities, is recognised in Paragraph 96 and 98 of the NPPF.
- 6.19 With regard to c) above, it is clear that the property has been marketed since 24 January 2023, during which time the public house was open and trading. The original asking price was reduced three times over the period to 30 April 2024, and the property was also offered at auction on 11 April 2024 with a guide price lower than the original asking price; the auction was advertised online and through the Hereford Times. The premises then closed in September 2024 when the tenants left. Since this time the property has been actively marketed by Sidney Phillips, including on their website and their summary of property's available website list and mailshots. The



Marketing Report also advises that the property has been advertised on social media, including twitter, facebook, and linkedin, and on a number of websites, including: businesses for sale; right bix; right move; zoopla; and daltons weekly.

- 6.20 Several viewings were arranged at the property, but some prospective purchasers lost interest after visiting due to the extent of work required, difficulty obtaining finance, and the low roof beams. A number of offers have been made since September 2023, and were either rejected, or accepted but not completed due to difficulty raising funding or changes in the potential purchasers circumstances.
- 6.21 A representation letter was received from Chairman of the Wheelwrights Arms Community Benefit Scheme (CBS), being of particular relevance to consideration of the marketing of the property. The detailed representation outlines multiple attempts to purchase the property, indicating sustained interest and community support for its continued use as a public house. A summary of the timeline provided is set out below:
- **8 January 2023:**  
A private cash offer of **£180,000** was made directly to the vendor. This was rejected, with the vendor stating that no offers below **£300,000** would be considered.
  - **April 2023:**  
The CBS made a verbal offer of **£250,000**, which was initially accepted. However, prior to finalising grant funding, the vendor increased the asking price to **£350,000**, and the offer was withdrawn.
  - **November 2023:**  
An improved offer of **£280,000** was submitted by the CBS and accepted. A professional valuation by H J Pugh (being required by one of the grant bodies that were part-funding the purchase) placed the market value at **£170,000**, and due to the disparity, the necessary grant funding could not be secured. The offer was subsequently withdrawn. A copy of the valuation has been provided, and this acknowledges the condition of the property and need for renovation. Major areas of concern include the signs of water ingress into the kitchen, the need for kitchen and toilet refurbishment, signs of damp in the men's toilets, and the condition of the living accommodation.
  - **23 January 2024:**  
A further offer of **£240,000** was submitted via the selling agents. Despite being significantly above market valuation, this offer was declined. The property was taken to Auction in April 2024, at a guide price of £275,000 and did not sell.
- 6.22 The Marketing Report and letter from the Chairman of the CBS demonstrate that the property has attracted genuine interest from parties seeking to retain its use as a public house, including a community-led initiative supported by government grant schemes. The valuation of the property by H J Pugh of £170,000, and the references to the condition of the property, raises concerns that the asking price has been too high throughout the marketing campaign, likely putting off potential buyers. A detailed valuation has not submitted with the application to verify whether the asking price for the property is reasonable. The Marketing Report details the price that the property has been for sale at and provides brief details of marketing undertaken. The report does not detail how the asking price was arrived at, nor does it say whether this is a reasonable price to market the property at given its condition and investment required to address such. Furthermore, a number of offers significantly above the market value placed by H J Pugh were made but rejected.
- 6.23 CAMRA provided a useful comparison of the asking price for Wheelwrights Arms and other public houses which have recently sold in Herefordshire. The Red Lion at Madley was sold in 2024 for £280,000, with the property including the public house, three-bed living accommodation, and

eight en-suite letting rooms. The Red Lion also has three public dining/drinking areas, a fully equipped catering kitchen, and a functioning beer cellar, plus a brick built barn and substantial garden. The Roebuck Inn at Brimfield was sold in 2025 for £200,000, with the property including the public house, four-bed living accommodation, and three en-suite letting rooms. The Roebuck Inn also has three trading areas (including a 30-cover restaurant), a separate café, garden, and substantial car park. Noting the facilities and size of The Red Lion and Roebuck Inn, in comparison to The Wheelwrights Arms, the asking price throughout the marketing campaign does appear to be high.

- 6.23 In conclusion, it has not been demonstrated that an appropriate alternative facility is available, that the facility is no longer required, viable, or no longer fit for purpose, or that the building has been adequately marketed. The loss of the public house would therefore be contrary to Policy SC1 of the CS and Paragraph 88(d), 96, and 98 of the NPPF.
- 6.24 Additionally, the loss of the public house would reduce local employment opportunities, and fail to support or protect the vitality and viability of the public house, contrary to Policy RA6 of the CS. CAMRA also highlighted that the loss of the public house would impact the tourism and 'destination' hospitality offer by reducing the choice of country pubs available to visit, and would impact on local businesses who have previously provided services and goods to the public house.

### **Amenity**

- 6.25 Noting the existing use of the building as a public house with managers accommodation above and that no external works are proposed, including alterations to windows/doors, it is not considered that the proposed change of use to a dwelling would have a detrimental impact on neighbouring residential amenity.
- 6.26 Additionally, adequate internal and external space would be provided to ensure a high standard of amenity for future occupants.
- 6.27 The development would accord with SD1 of the CS and Paragraph 135(f) of the NPPF in respect of amenity standards.

### **Design/Heritage**

- 6.28 The building is shown on Historic OS Maps from 1885, and it is understood that the public house dates back to the 16/17<sup>th</sup> century. The building has local historic significance with communal value as a public house, forming part of local collective memory. The building is a modest two-storey structure with rendered walls, stone and red brick chimneys, and slate roof, reflective of local vernacular. The central gabled porch, with exposed timber framing, brick plinth, and slate roof, has been sensitively designed and positively contributes to the character of the building. Due to the buildings age, design, and continuous community use, the building is of historic, architectural, evidential, and communal value, and is considered to be a non-designated heritage asset.
- 6.29 Paragraph 216 of the NPPF advises that the effect on the significance of a NDHA requires a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset. Such is reflected in Policy LD4 of the CS.
- 6.30 Internally, the room layout would be retained but the fixtures and fittings associated with the buildings use as a public house, including the bar and seating areas, would be removed. The removal of internal fixtures/fittings and the loss of the buildings use as a public house would reduce its communal and social value. However, the proposed change of use would retain the external appearance of the building, with no external alterations proposed, and domestic paraphernalia would likely be contained within the rear garden, of which there are limited public views. The proposal would preserve the building and its original appearance as a public house,

remaining in place as a permanent and largely unaltered reminder of its former use as a public house.

- 6.31 On balance, it is considered that the proposal would be acceptable in heritage terms and compliant with Paragraph 216 of the NPPF and Policy LD4 of the Local Plan.

### **Drainage/Flood Risk**

- 6.32 The application site is within Flood Zone 1 and is not shown to be at risk of surface water flooding, being an acceptable location for residential development in flood risk terms.
- 6.33 Foul water would be disposed of to the mains sewer and Welsh Water have confirmed there is capacity within the public sewerage network to receive such domestic foul water flows. No changes are proposed eternally and therefore there will be no increase in the impermeable area of the site or impact on surface water drainage.
- 6.34 For the above reasons, it is considered that the proposal accords with Policy SD3 and SD4 of the Local Plan, with respect to the provision of adequate foul and surface water drainage.

### **Ecology**

- 6.35 The application site lies within the 'Lodon' hydrological catchment of the River Lugg SAC, which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance for its aquatic flora and fauna.
- 6.36 At present the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.
- 6.37 The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process. The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.
- 6.38 The Council's Senior Ecology was consulted and confirmed that the proposal can be considered as 'screened out' at Stage 1 of the HRA appropriate assessment as the proposal would not result in new or additional nutrient pathways being created, with no change in existing nutrient loading calculations.
- 6.39 Additionally, based on the supplied and available information there are no effects on local ecological interests identified for the proposed development at this location as the application is for a proposed change in use of the building. The applicant should be reminded, through an informative note, of their and their contractors' legal obligation to wildlife protection at all times during construction as afforded through the Wildlife & Countryside Act.
- 6.40 The application is exempt from the statutory Biodiversity Net Gain requirements as the development does not impact a priority habitat or more than 25sqm of non-priority habitat.

- 6.41 For the above reasons, the development accords with Policy LD2 and SD4 of the CS which, respectively, require proposals to conserve, restore and enhance biodiversity, and ensure they will not undermine the achievement of water quality targets for rivers within the county, including the River Lugg SAC.

#### **Highway Safety/Parking**

- 6.42 The change of use would likely result in a reduction of vehicle movements to/from the site. Additionally, adequate parking and turning space is available to the front of the property.
- 6.43 The Area Engineer (Highways) was consulted and raised no objections to the proposed development.
- 6.44 For the above reasons, the development is considered to accord with Policy MT1 of the CS and Paragraph 115(b) of the NPPF with regard to the provision of safe and suitable access, and adequate parking and manoeuvring space.

#### **Conclusion/Planning Balance**

- 6.45 The provision of one new dwelling in a sustainable location would make a positive, albeit small, contribution to addressing the country's lack of a five-year housing supply. However, the proposal would result in the loss of a public house, which is considered to be of community value. Insufficient evidence has been provided to demonstrate that that there is an appropriate alternative facility available, that the facility is no longer required, viable, or no longer fit for purpose, and that adequate marketing of the property at a realistic price has been carried out. Furthermore, the loss of the public house would reduce local employment opportunities, would impact the tourism and 'destination' hospitality offer by reducing the choice of country pubs available to visit, and would impact on local businesses who have previously provided services and goods to the public house.
- 6.46 The adverse impacts of allowing the proposed development, being the permanent loss of the community facility and associated economic impacts, is considered to significantly and demonstrably outweigh the minor benefits identified.
- 6.47 On this basis, it is considered that planning permission should be refused for the reasons detailed below

## **RECOMMENDATION**

**That planning permission be refused for the following reasons:**

- The proposal would result in the loss of a public house which is a valued community facility. Insufficient evidence has been provided to demonstrate that that there is an appropriate alternative facility available, that the facility is no longer required, viable, or no longer fit for purpose, and that adequate marketing of the property at a realistic price has been carried out. As such, the proposal is contrary to Policy SC1 and RA6 of the Herefordshire Local Plan – Core Strategy, and Paragraph 88, 96, and 98 of the National Planning Policy Framework.**

Decision: .....

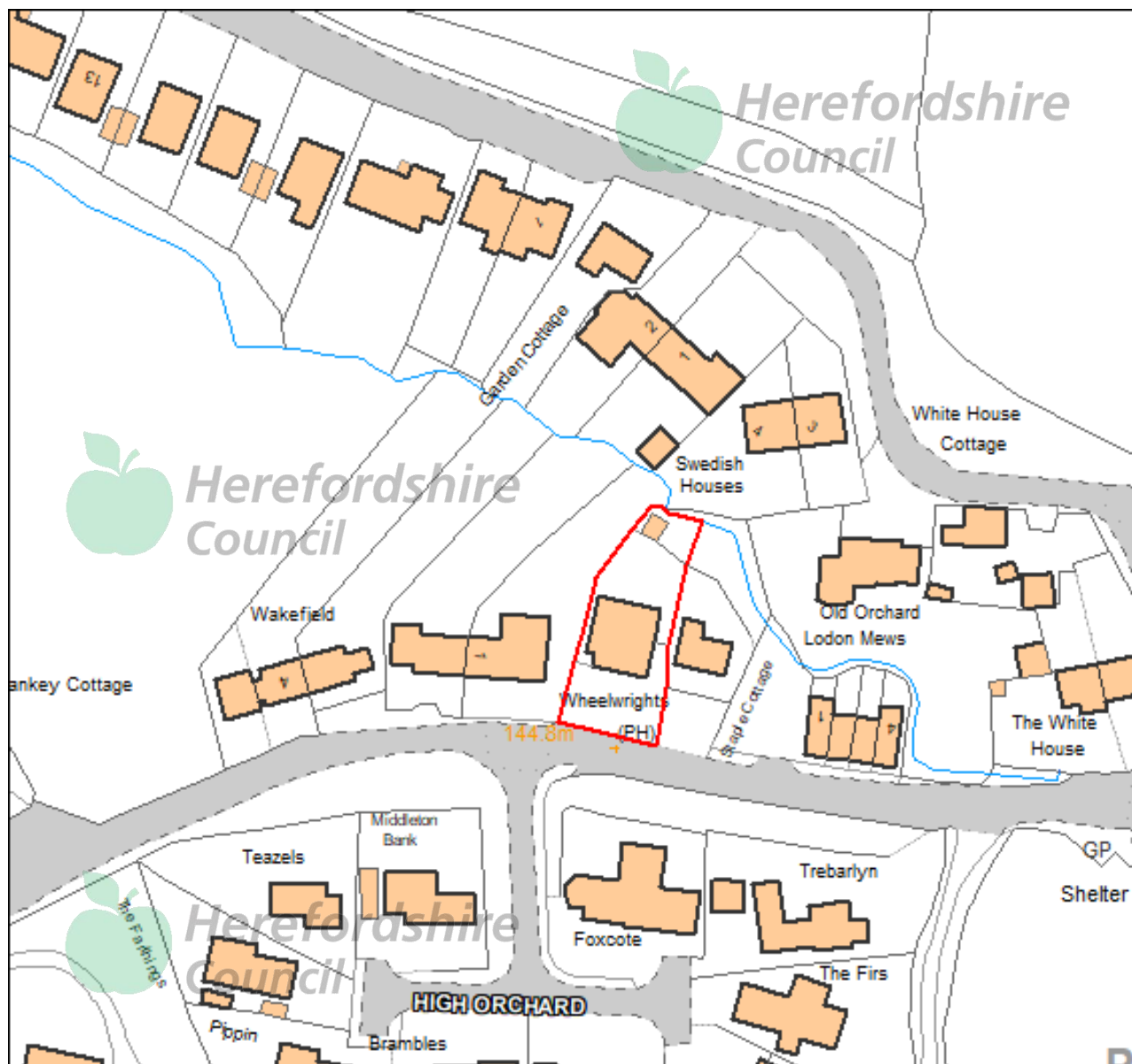
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## Background Papers

None identified.





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**APPLICATION NO:** 252087

**SITE ADDRESS :** THE WHEELWRIGHTS, PENCOMBE, HEREFORDSHIRE, HR7 4RN

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