

**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.*

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.