

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	25 FEBRUARY 2025
TITLE OF REPORT:	252059 - PROPOSED CHANGE OF USE OF PUBLIC HOUSE TO A SINGLE DWELLINGHOUSE WITH NEW PORCH, PARTIAL DEMOLITIONS AND ASSOCIATED EXTERNAL WORKS AT TEMESIDE INN, LITTLE HEREFORD, LUDLOW, SY8 4AT For: Mr Leonard per Mr DF Baume, 8 Peak View, Bollington, Cheshire, SK10 5GJ
WEBSITE LINK:	Planning Application Details - Herefordshire Council
Reason Application submitted to Committee – Re-direction	

Date Received: 16 July 2025 Ward: Leominster North & Rural Grid Ref: 354715,268187

Expiry Date: 10 September 2025

Local Member: Cllr John Stone

1.0 SITE DESCRIPTION

- 1.1 The application site comprises the Temeside Inn, a detached public house set within a curtilage of approximately 0.37 hectares, located on the western side of the settlement of Little Hereford, adjacent to the A456, which connects the A49(T) at Woofferton with Tenbury Wells and Kidderminster. Little Hereford is approximately 1½ -mile east of Brimfield/Woofferton, 3½ -miles west of Burford and Tenbury Wells, and 6-miles southeast of Ludlow.
- 1.2 The site lies approximately 50-metres north of the River Teme, which is designated as SSSI, and occupies a broadly level plot falling gently towards the river. The surrounding area is characterised by a small cluster of residential properties, the A465, and open riverside land, with the site forming part of the western grouping of built development within Little Hereford.
- 1.3 The site includes the main public house building with associated former parking, service areas and garden land and has remained vacant since 2020 following repeated flooding events and subsequent closure.

2.0 PROPOSAL

- 2.1 The application seeks planning permission for the change of use of the Temeside Inn from a public house (Use Class - Sui Generis) to a single dwellinghouse (Use Class C3). The development also includes limited operational development comprising external alterations including the introduction of a modest entrance porch, partial demolition of later additions, and associated external works within the existing curtilage.

- 2.2 Existing access arrangements would be retained, with former customer parking areas rationalised and returned to domestic garden space.

3.0 PLANNING POLICY

3.1 Herefordshire Local Plan – Core Strategy

- SS1 Presumption in favour of sustainable development
- SS4 Movement and transportation
- SS6 Environmental quality and local distinctiveness
- SS7 Addressing climate change
- RA1 Rural housing distribution
- RA2 Housing in settlements outside Hereford and the market towns
- RA3 Herefordshire's countryside
- RA6 Rural economy
- SC1 Social and community facilities
- MT1 Traffic management, highway safety and promoting active travel
- LD1 Landscape and townscape
- LD2 Biodiversity and geodiversity
- LD3 Green infrastructure
- LD4 Historic environment and heritage assets
- SD1 Sustainable design and energy efficiency
- SD2 Renewable and low carbon energy
- SD3 Sustainable water management
- SD4 Waste water treatment and river water quality

3.2 Brimfield and Little Hereford Neighbourhood Development Plan

- BLH5 Criteria for new housing sites in Little Hereford
- BLH6 Protection of community facilities
- BLH8 Building design principles
- BLH9 Landscape design principles
- BLH12 Water management
- BLH13 Criteria for assessing the suitability of future potential development sites
- BLH14 Development in areas of flood risk
- BLH15 Design for flood resilience and resistance
- BLH16 Design to reduce surface water run off
- BLH19 Supporting public transport, walking and cycling

3.3 National Planning Policy Framework

- Chapter 2. Achieving sustainable development
- Chapter 3. Plan-making
- Chapter 4. Decision-making
- Chapter 6. Building a strong, competitive economy
- Chapter 8. Promoting healthy and safe communities
- Chapter 9. Promoting sustainable transport
- Chapter 10. Supporting high quality communications
- Chapter 12. Achieving well-designed places
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and enhancing the natural environment
- Chapter 16. Conserving and enhancing the historic environment

4.0 PLANNING HISTORY

- 4.1 243011/F - Change of use of public house to a single dwelling house with new porch, partial demolitions and associated external works. Withdrawn
- 4.2 233682/O - Outline application for proposed letting accommodation ancillary to the existing public house use. Refused
- 4.3 112918/F- Alterations to & extension of the pub trading area, extension of the existing car parking North of the pub & change of use of an area of land alongside East site of boundary from agricultural use to form part of the curtilage of the pub - part retrospective. Approved

5.0 CONSULTATION SUMMARY

Statutory Consultees

5.1 Environment Agency - comment;

5.1.1 4/12/25 - _Thank you for your consultation on the above application received by us on 13 November 2025. We have reviewed the supporting documentation including the Flood Risk Assessment (FRA) produced by Corner Water Consulting Ltd (ref: CWC248aRP01-Rev 1 dated November 2024) and have no objection to the proposed development at this time subject to the following comments and condition.

Flood Risk and Vulnerability Classification

Based on our Flood Map for Planning (Rivers and Sea) the development site falls within Flood Zones 2 and 3 (the medium and high risk zones respectively) of the River Teme (statutory main river). There are no flood defences in the area that benefit the development site.

Please note that since the FRA was undertaken, there have been updates to the flood map for planning service (NAFRA 2), and our mapping now shows that flood risk has increased in this location compared to what is shown in Figure 4-9 of the FRA.

'Annex 3: Flood risk vulnerability classification' in the National Planning Policy Framework (NPPF), sets out that the flood risk vulnerability classification would remain the same following the Change of Use on site as both public houses and residential developments are considered More Vulnerable uses.

Sequential and Exception Tests

We note that the application is for a change of use, which in line with the NPPF (paragraph 168), should not be subject to the Sequential or Exception Tests but will still have to meet the requirements of a site-specific Flood Risk Assessment (as set out in footnote 55 of the NPPF Flood Risk and Coastal Change). This is recognised in section 2.4 of the FRA.

Flood Modelling

Table 4-1 in Section 4.3 of the FRA presents our hydraulic modelling outputs for the River Teme at the development site. The nearest modelled node point to the development site is CS370 which shows a 1% annual exceedance probability (AEP) of 61.49mAOD.

The FRA then compares the modelled 1% AEP (61.49mAOD) flood level with surveyed ground levels on site, whereby it notes the location of the building has a ground level of 61.68mAOD. This shows the development site and its immediate surroundings to be up to 19mm higher than the 1 in 100 level without an allowance for climate change.

We note that the FRA sets out that based on the Environment Agency's hydraulic modelling data for the River Teme, the building sits outside of the 1 in 100 extent, but entirely within the 1 in 100 plus climate change extent which is the basis for considering future flood risk to the site.

Historic Flood Levels

Section 4.2 (and figure 4-4) of the FRA cites historic flooding as having recorded peak flood levels in 2007 at 62.22m AOD just south of the Temeside Inn. We also note that the Inn experienced flooding in 2020 as discussed in the design and access statement.

Design Flood Level

The Design Flood Level (DFL) is calculated by determining the modelled 1 in 100-year (1% annual exceedance probability) flood level and adding the appropriate climate change allowance. Where there is a model available (such as in this location), our preference would have been to complete Scenario 3 and use the modelled values then calculating a climate change allowance of 45% represented by the 2080s central allowance for the Teme Management catchment.

Section 4.3 of the FRA refers to the Environment Agency's West Midlands Climate Change guidance, for non-major developments a nominal allowance of 850mm can be used to ascertain the climate change allowance for the River Teme Management Catchment (Central 2080s allowance).

Therefore, based on the nominal method used by the applicant, the DFL for the site is 62.34m AOD (1% AEP flood level 61.49m AOD plus 850mm climate change allowance), which is confirmed in section 5.2 of the FRA. We note the DFL is higher than the 2007 historic recorded flood level by 0.12m.

Finished Floor Levels

We would normally expect Finished Floor Levels (FFLs) to be set 600mm above the DFL, in accordance with our Climate Change guidance.

Where FFLs are below the DFL we would consider the proposal acceptable as the application is for a change of use and providing there is no lower ground floor sleeping accommodation. We would however highlight the sustainability issues in terms of ground floor contents etc. Any electrics or flood susceptible equipment should be sited above possible flood levels or removed prior to the onset of flooding.

Whilst the proposed finished floor level is not confirmed within the FRA, we note section 5.2 which explains that the threshold for the existing floor level is 0.66m below the DFL and 0.96m below the DFL plus 300mm freeboard, and it is not practical to raise floor levels in this instance due to the loss of headroom.

Given that the planning application is for a change of use with no change in vulnerability classification, and it is shown the development on site falls within Flood Zone the design flood extent, we accept the recommendations in Section 5.3 of the FRA, to incorporate flood resilience measures to a minimum level of 300mm above the DFL.

Whilst the ground floor FFLs are below the DFL we acknowledge that sleeping accommodation will be on the first floor and therefore residential will have safe refuge in a flood event.

Condition

Flood proofing (resistance and resilience) measures shall be incorporated into the property as recommended in the FRA ref CWC248a-RP01-Rev 1, section 5.3, unless otherwise agreed in writing by the LPA.

These following recommended measures should be sited to a minimum of 62.34m AOD, which is 300mm above the 1% plus climate change flood level:

Plaster coatings on walls able to withstand recurrent flooding

Electrical switches, socket outlets, accessories and flood susceptible equipment

Reason: To protect future occupants for the lifetime of the development.

Removal of Low Plinth Wall and Associated Earthworks

We note that the Design and Access Statement, section 3.01 and the submitted drawing, ref: 6000-22-B (dated Sept 24) indicate that there will be the removal of an external retaining wall and the reinstatement of ground levels to their original extent. There is, however, no further detail within

the application to quantify the amount of material which will need to be removed to reinstate it to its previous condition.

From local imagery, it appears that the works took place sometime between 2021 and 2024. From a flood risk perspective, a planning application which proposes the increase of ground levels within the floodplain should normally be compensated to ensure that there is no increase in third party impacts as a result of the development. We cannot see that such a flood storage compensation scheme has been carried out from the submitted details. As such, we support the removal of the retaining wall and material behind that wall to restore it to its original condition.

We would recommend that the council are satisfied with what the original levels were on site to quantify the amount of material to be removed and the exact levels to be reinstated.

We note a topographical survey dated August 2011 (Drawing Number: 15402/1 – A) on the planning website which appears to pre-date the addition of the retaining wall and materials from, however, we also recognise the topographical survey submitted to accompany Herefordshire planning application ref: 112918, also from August 2011, Drawing Number: 15402/1. These surveys differ despite being produced in the same period.

As such, the original ground level detail remains uncertain at this time, and we recommend that the Council ensure that the original ground levels and quantities of material to be removed are confirmed at the earliest opportunity, and following quantification, we recommend that the removal of material is conditioned appropriately through the planning consent.

We note that the ground levels which underpin the FRA are based upon the 2023 topographic survey, the 2011 datum survey and DEFRA LIDAR data. We note that the July 2023 Datum Survey is included in Appendix D, however, the spot height Topographical study shown in Figure 4-6 of the FRA is not appended but appears to be similar to the 2011 study on the planning application file, including the heights around the area where the wall and material have been added.

The removal of material may also change the mapped flooding extents shown in figures 4-4, 4-5, 4-7, 4-8 and 4-10 depending on the levels that the existing topographical study it is based upon. Whilst this may not change our position on the change of use as proposed through this application, it could be important when considering safe access and egress and third party impact.

We also note that in the area where ground levels appear to have been raised, there may be a culverted watercourse (see Figure 3-9 of the FRA). Your LLFA may wish to be consulted upon any works above or within proximity to the culverted ordinary watercourse. They may also advise on other consents (such as land drainage consent) that could be applicable in this instance.

Export & Import of Wastes at Site

Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

Safe Access and Egress

Paragraph 047 of the NPPG advises on how a development might be made safe from flood risk. Paragraph 044 provides details on access and egress.

It is for the LPA to determine if the FRA has sufficiently considered whether safe, pedestrian access and egress above the DFL can be achieved. Given our role and responsibilities, we would not make comment on the safety of the access or object on this basis. This does not mean we consider that the access is safe, or the proposals acceptable in this regard.

We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the NPPG.

Pedestrian access should preferably remain flood free during the design flood event. However, in cases where this may not be achievable, the FRA may demonstrate that access is acceptable based on an appropriate assessment of 'hazard risk' including water depth, velocity and distance to higher ground (above the design flood level). Reference should be made to DEFRA Hazard risk guidance (FD2320) – 'Danger to People for combinations of Depth and Velocity' Table 13.1.

Access and egress by vehicular means is a matter for your Emergency Planners and the Emergency Services.

Flood Warning and Evacuation Plan (FWEP)

The NPPG (paragraph 043) states that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development.

We do not normally comment on or approve the adequacy of flood emergency response and flood evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users if they sign up to the Flood Warnings Service.

The NPPG places responsibilities on LPAs to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. We would advise that you take account of the guidance within NPPG.

We would advise that the Flood Warning and Evacuation Plan should identify a flood level that will initiate evacuation of people and vehicles, and any subsequent closure of the building/car park. This trigger level should be when the access/egress is still 'dry' i.e. flood-free, to avoid any question of what is an acceptable level of flood risk to occupants.

Should you be minded to secure permission with a Flood Warning and Evacuation Plan (FWEP) we would not make comment on the appropriateness or otherwise of it. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider the FWEP secures safe and sustainable development.

For your consideration, a comprehensive Flood Warning service operates in this local area. A trigger level may be sought to assist in evacuation. The Applicant / future occupiers should contact 08708 506506 to be set up on our flood warning system.

Foul Drainage

We have attached our Foul Drainage Assessment Form to assist in your consideration and potential submission with your application. This is attached for your use if seen as appropriate.

We note that the proposals include replacing the existing septic tank system with a package treatment plant. Further information on Environmental Permits can also be found here:

<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

Alternatively, the Council may have its own assessment form. The Council's Building Regulations team may also advise.

5.2 Natural England – no objection;

5.2.1 4/12/25 - NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would: have an adverse effect on the integrity of the River Clun Special Area of Conservation (SAC) damage or destroy the interest features for which River Teme Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Mitigation measures need to be secured as set out in the Appropriate Assessment. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

5.3 Severn Trent – comment;

5.3.1 17/9/25 – With reference to the above planning application the Company's observations regarding sewerage are as follows.

Severn Trent requests that any approval be conditioned as follows:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method.
- If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution

IMPORTANT NOTE: With regard to network capacity, this response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Suggested Informative – affected sewers and water mains

Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at www.digdat.co.uk Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011.

Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building.

5.4 Dŵr Cymru Welsh Water – comment

5.4.1 12/8/25 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

This application is located in an unsewered area and since the proposal intends on utilising an alternative to mains drainage, we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

5.5 Canal and Rivers Trust – co comments to make.

Herefordshire Council consultations

5.6 Area Engineer (Local Highways Authority) – comment;

5.6.1 12/8/25 - The Local Highway Authority (LHA) has reviewed the proposals for the change of use of the Temeside Inn to a single four-bedroom dwelling. The site will retain both existing vehicular accesses to the north and south, which are considered acceptable in terms of visibility and layout.

The estimated traffic generation for the proposed residential use is anticipated to be lower than that of the previous public house use, particularly during peak periods. As such, the proposal is not expected to have any adverse impact on the safety or capacity of the local highway network.

In line with the Council's Design Guide for New Developments, secure cycle storage is required for new residential development. Whilst this has not been detailed in the current submission, it can be secured through the imposition of a suitably worded planning condition.

Accordingly, the Local Highway Authority raises no objection to the proposed development, subject to the inclusion of a condition securing the provision of secure cycle storage.

5.7 HC Built and Natural Environment Service (Ecology) – comment; -

5.7.1 14/11/25 - Statutory Biodiversity Net Gain

The supplied ecology report by Ecology Planning dated 22/11/2024 and accompanying statutory metric are noted.

It is noted that proposed BNG 'gains' are either delivered within the new residential curtilage – or features creating this curtilage and thus are not acceptable as delivering any 'gain' as the outcome is uncertain and not legally secured/certain for required minimum 30 year period; or are outside the redline development boundary and would be considered as being "off-site" and requiring separate legal agreements/conservation covenants and registering on the national Habitat Bank register prior to confirmed legal allocation.

Any BNG scheme/amended redline boundary to include the river side area (aquatic habitat) will require a specialist BNG assessment by a suitably qualified consultant.

The updated BNG scheme can be subject to detailed approval under the required discrete 'discharge' of the statutory condition PRIOR to any permitted works commencing onsite. The applicant accepts with any planning permission granted that the existing BNG proposal is unacceptable, is NOT being approved, and will require revision, separate legal agreements-national registration; or a decision and certainty of purchase to secure all required BNG habitat units from an offsite, legally registered "Habitat Bank" submitted at 'discharge' stage.

Habitat Regulations Assessment

Natural England's SSSI Impact Risk Zone – requiring all planning applications to be subject to a formal Natural England consultation is triggered by this application. Planning Permission must not be granted until a no objection response has been received from Natural England.

The development consist of creating ONE new residential dwelling with new foul water management systems within the catchment of the River Clun SAC and Teme SSSI. The council has a duty to ensure these are considered in respect of the nature conservation sites:

- River Teme SSSI (water quality and effects on associated habitats and species)
- River Clun SAC (Freshwater Pearl Mussel and life cycle requirements – Salmonid species populations)

The River Clun is currently in full nutrient neutrality in respect of Nitrogen and Phosphate pathways. The River Teme SSSI (currently in unfavourable condition as assessed by Natural England including due to identified excess of nutrients). This unfavourable condition potentially has an effect on Salmon species populations that are intrinsically linked to the Fresh Water Pearl Mussel that is a notified feature species of the River Clun SAC that forms part of the catchment of the Teme linked by the two rivers confluence at Leintwardine. The LPA needs to ensure developments do not contribute further to this unfavourable condition or would hinder improvements away from unfavourable status. In this specific case nutrient flows/pathways are the considered effect.

Notes in respect of HRA

The proposal is for one new residential dwelling with change of use of the complete curtilage to residential use.

- The existing building is a Public House with linked staff/owner residential accommodation located on the upper floors. An existing residential use is identified.
- The existing residential use provides a baseline for consideration of effects of residential foul water flows on the River Teme SSSI (linked Clun SAC).
- This is considered as a 'like for like' change of use in respect of residential usage of the site.
- As a 'like for like' project there are no identified additional or new residential foul water flows created by the proposed development.
- No new or additional nutrient pathways into the River Teme SSSI are identified from the proposed development and this adverse effect is considered as being 'screened out' at stage 1 of the HRA process.

The proposed development's construction phase is identified as having a potentially direct and indirect effect on the immediately adjacent River Teme SSSI.

A fully comprehensive ecological and environmental 'Construction Environmental Management Plan should be secured as a pre-commencement condition. The CEMP must ensure all potential environmental effects are fully considered alongside detailed ecological working methods and species specific Risk Avoidance Measure are implemented.

The River Teme is known to support an active Otter population and any works impacting the river bank or other accessible areas of land in anyway will likely require a specific Otter Mitigation Licence to be obtained from Natural England. If not obtained a clear, scientifically evidenced, demonstration as to why it is not required should be included in the CEMP supplied for approval.

There is also potential for changed/increased external illumination to directly impact local protected species, including those associated with the River Teme SSSI.

A condition to ensure there is NO illumination of the river or its immediate bank and any new lighting associated with the residential dwelling are controlled is requested on any planning permission granted.

River Teme SSSI (River Clun SAC) –Construction Environmental Management Plan

Before any works, including site clearance or demolition begin; or equipment and materials are moved onto site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be submitted to the local planning authority for written approval. The Ecological working measures section shall be based on an ecological assessment no more than SIX months old. The approved CEMP shall be implemented and remain in place throughout the construction phase until all works are complete on site and all equipment and spare materials have finally been removed.

Within three months of receiving the protected species licence(s) from Natural England, a copy of the issued licence and results of any additional supporting survey works completed, shall be submitted to, and acknowledged in writing by the planning authority. If post implementation monitoring surveys are required by Natural England Licence a copy of all survey results should be submitted to the planning authority within 3 months of any such surveys being completed.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

River Teme SSSI and Protected Species – Illumination and Dark Skies (external illumination)

No external or internal transmitted lighting resulting from the approved development or its use shall at any time cause any illumination of the River Teme or 10m of bank from the river edge.

Subject to previous constraint, no external lighting or external luminaires of any kind shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to 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'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; and the council's declared Climate Change and Ecological Emergency

5.8 HC Waste & Recycling – no response.

5.9 Land Drainage Team / Lead Local Flood Authority – no specific comments to make / refer to Environment Agency.

Other consultees

5.10 Campaign for Real Ale (CAMRA) – object;

5.10.1 25/11/25 - Following the recent floods in Herefordshire a number of county pubs were inundated, including two in Ewyas Harold (the Dog Inn and Temple Bar) and the Bridge Inn at Michaelchurch Escley. All three of these pubs are now open and trading normally again. The latter of the three pubs features in the attached BBC report. Noteworthy, is the fact that the Bridge Inn was up and running again within 24 hours.

These examples are a further clear demonstration that, whilst distressing at the time for the pub operator/owner, flooding per se can be manageable as part of running a pub business. CAMRA asserts that this evidence further supports our view that the argument made by the applicant in regards to not being able to obtain insurance is not necessarily a barrier to trade. Moreover, the Bridge Inn has only recently changed hands, supporting our position that potential pub operators are still interested in taking on flood-prone pub businesses.

5.10.2 4/11/25 - I apologise for the lateness in providing this further information with regards to this application. Herefordshire CAMRA has previously objected to this application (in a submission via the planning portal in the name of Dr M Rochefort). It is hoped it is possible for you take into account this further submission of evidence before arriving at your final determination of this application.

Herefordshire CAMRA asks for it to be noted that all the commercial marketing activity that was undertaken with regards to seeking to sell the Temeside Inn as a pub dates back to April 2021 – or much earlier. That is a minimum period of four and a half years during which it would appear there has been no marketing activity at all. As the applicant's own supporting submission makes clear, a lot has happened to the application premises over that intervening period, including the impact from the COVID 19 pandemic and repeated flooding incidents. Moreover, it is evident the pub's physical condition has also deteriorated during this time. All of these matters will have a direct impact on the value of the premises as a pub as opposed to where it was back in 2021. In recognising the actions of previous tenants during this period in seeking to keep the pub trading (despite the COVID pandemic issues and flooding setbacks), it is CAMRA's view that a full marketing exercise should be undertaken as per Herefordshire Council's policy SC1. Aside from the length of time that has elapsed since it was marketed for sale, there are other sound reasons why CAMRA takes this view. First, are the attributes of the pub in terms of its attractive location; community value, and trading history. These are adequately addressed in the previous CAMRA objection (Dr M Rochefort submission refers) and are mirrored by other parties who have also submitted objections.

Further, the fact that the spectre of COVID 19 is now firmly in the past means the pub property landscape has fundamentally altered from where it was in April 2021. However, what provides a stronger indication as to the merits of seeking a new marketing exercise for the pub business, is experience learned from three other Herefordshire pubs that have recently experienced serious flooding events following the impact of the COVID pandemic. These all demonstrate that flooding (and any associated insurance issues that may result) are not necessarily an impediment for a pub to either trade successfully or to be of interest to a potential purchaser.

These three examples are set out, thus:

1. The Riverside Inn in Wye Street, Ross-on-Wye, HR9 7BT is a pub that has experienced flooding episodes over the years due to its close proximity to the River Wye. In fact, it was closed and in a steady deteriorating condition for SIXTEEN years continuously before it was refurbished and re-opened in April 2025 after being bought by new owners. CAMRA estimates the cost of the refurbishment works alone to be in excess of £500,000. This is a clear example of a riverside pub that has attracted the business confidence of new owner-operators (who were already experienced in the hospitality trade) despite its flooding history; its poor physical condition upon purchase, and the extended duration of its closure. Suffice it to say, the Riverside Inn has now returned to being a thriving pub business. A copy of an article from Herefordshire CAMRA's Hopvine magazine regarding the re-opening of the Riverside Inn is attached as an appendix to this document.

2. Another example of a flood-prone pub in the county is the Saracen's Head, St Martin's Street, Hereford HR4 0FD. The pub premises abuts the city's old bridge over the River Wye. The pub has been another to suffer from repeated episodes of floodwater ingress. However, this has not stopped it from being refurbished and re-opened for trade on several occasions, the most recent

being when a new operator (with many years' experience in the pub trade) took on the now-refurbished premises in October 2025; this all following the floods of November 2024.

3. Finally, another example is the namesake Saracen's Head at Symonds Yat East, Ross-on-Wye, HR9 6JL. This pub has a long history of being regularly inundated by river water, owing to it also being located on the banks of the River Wye. The pub's owner said to the BBC following a flood in February 2020 that the flood waters were the worst in living memory, that it had devastated them with water even coming in through the windows. Despite this, and with the effects of COVID still at play, in 2022 the pub's operators actually sought to invest further in the business by applying to planners to build a storage annex building as an extension to the pub. Not only have they not ceased trading and quit the premises, but they have demonstrated their business confidence in the future of the riverside venue despite the ongoing risks presented by floodwater. As with the other two example pubs above, this venue is still trading successfully today.

There are other pubs in Herefordshire (including those in Whitney-on-Wye, Leintwardine and Hereford) and Ludlow who have experienced flooding and, therefore, also need to manage the threat of flooding in their day-to-day business dealings. But it is these three examples that particularly highlight two key things.

Firstly, IT IS possible to operate a viable pub business despite an ever-present threat of flooding and, secondly, there are potential operators willing buy and develop the business at flood-prone pub premises. Therefore, to suggest or imply there is no reason to market a pub premises for sale by dint of it being prone to flooding wouldn't appear withstand reasonable scrutiny in this case. Thus, CAMRA believes that the Temeside Inn should first be marketed for sale in line with the provisions set out in Policy SC1 before consideration is given to an alternative use.

CAMRA believes that only by declining the application for converting the Temeside Inn into a private dwelling, will it ultimately persuade the owner as to the merits of undertaking a full marketing exercise to sell the pub to a new operator based on its current situation and trading potential. Therefore, CAMRA asserts that for these reasons – and in taking into account the persistent social and economic harm that will result from the permanent loss of the Temeside Inn – this application should be resisted.

Thank you for affording CAMRA the opportunity to further comment on this application.

6.0 REPRESENTATIONS

6.1 Brimfield and Little Hereford Parish Council – object;

6.1.1 11/8/25 - The Parish Council strongly objects to this application for the following reasons:

1. Severe and Ongoing Flood Risk

The Temeside is located in a known flood-prone area adjacent to the River Teme. The applicant has not demonstrated how safe, dry access would be provided during flood events. The flood levels cited in the application do not reflect local knowledge and historical evidence — the site has flooded significantly on multiple occasions in the last 20 years, above the levels stated.

This application fails to comply with Policy SD3 (Sustainable Water Management and Water Resources) of the Herefordshire Core Strategy, which requires development to avoid areas at risk of flooding and to ensure safe access and egress during flood events. The lack of credible mitigation poses a serious threat to future occupants and emergency responders.

2. Loss of a Valued Community Facility

The Temeside has historically served as a public house and is a valued local facility. No evidence has been provided to show that the site has been marketed as a pub or offered to the local community for purchase. The applicant has not demonstrated that the business is no longer viable or that there is no prospect of it being used in this way again.

This is contrary to Policy SC1 (Social and Community Facilities), which states that proposals involving the loss of community facilities will not be permitted unless it can be shown that:

- The facility is no longer viable; and
- All options for continued community use have been fully explored and exhausted

No such evidence has been presented.

3. Harm to the Social Fabric of the Village

The closure and potential loss of The Temeside as a public house would represent a significant loss to the village's social infrastructure. Rural communities are already under pressure from the erosion of public services and amenities; the removal of this facility would further undermine opportunities for social cohesion and local engagement.

This conflicts with the overarching aims of the Core Strategy to support sustainable, balanced rural communities, as outlined in Policy RA6 (Rural Economy) and Policy SS1 (Presumption in Favour of Sustainable Development).

Given the substantial concerns over flood safety, policy non-compliance, and community impact, the Parish Council formally requests that this application be determined by the Planning Committee.

6.2 22 representations have been received raising objections to the proposal. It is noted that a number of these are from the same individuals submitting multiple responses. The comments can be summarised as follows; -

- It is stated that the closure and proposed loss of the public house has already had a negative impact on nearby caravan and holiday parks, with guests valuing the ability to walk to a local pub and some choosing alternative destinations since its closure, which is said to undermine local tourism and business viability.
- It is argued that the permanent loss of the pub would result in long-term economic harm to the local area, including the loss of direct and indirect employment supported by the public house and its wider supply chains.
- The pub is described as a long-established and valued community asset, having operated for over 50 years and functioning as a social hub supporting village life, community cohesion and social wellbeing, including during the COVID-19 pandemic. It is suggested that the property should be listed as an Asset of Community Value.
- It is contended that alternative facilities cited do not represent genuine replacements for the pub, noting that the village hall and sports club operate on a limited or event-only basis, the Roebuck is closed, and the nearest public house is approximately two miles away along an un-paved main road.
- It is stated that without the pub, residents would be required to travel significant distances for basic social interaction, resulting in the loss of an accessible local social outlet, particularly affecting those without access to private transport.
- Flood risk is identified as a key concern, with statements that the site floods regularly, that ground floor flooding of up to around one metre has occurred on multiple occasions, and that safe, dry access is not achievable during flood events. It is argued that residential use would be inappropriate given the ongoing flood risk and the difficulties in managing or insuring against losses compared to a commercial use.
- Concerns are raised that Environment Agency guidance for residential development in the floodplain has not been adequately addressed, that there is insufficient flood attenuation provision, and that recent ground level alterations may exacerbate flood risk.

- Objection is raised to the proposed foul drainage arrangements, with concern that any new system would discharge to ground and ultimately the River Teme, which is described as already environmentally stressed.
- It is argued that conversion to a four-bedroom private dwelling would not contribute to meeting local social or affordable housing needs in a rural area.
- The marketing and viability evidence is disputed, with statements that marketing overlapped with COVID-19 lockdowns, that there has been no meaningful marketing in recent years, and that there was genuine interest in purchasing the pub as a going concern, including funded offers from previous tenants which were refused without negotiation.
- Claims that the pub was offered for community purchase are questioned, with statements that no evidence has been provided and that no meaningful attempt was made to explore a community-owned or community-run model, despite examples of successful community pubs elsewhere.
- It is asserted that the pub was thriving when last operated, that decline and vacancy are attributed to the actions of the owner rather than inherent lack of viability, and that the building has been allowed to deteriorate over several years, creating an eyesore at a prominent river crossing and giving rise to the perception that residential conversion was always intended.
- On the basis of the cumulative economic, social, community, flood risk, drainage, marketing and viability concerns, it is urged that planning permission be refused and that the public house be retained for community use.

1 representation received, neither objecting or supporting, but making 'general comments'. The comments can be summarised as follows; -

- Former leaseholder states the pub was run as a successful and profitable business between February 2015 and March 2017.
- The pub was well supported by local residents and visitors and benefited from its roadside and riverside location, particularly during summer months.
- The business hosted a range of events including private parties, weddings, shoot dinners and Christmas meals, contributing to year-round trade.
- Regular use by local groups and teams provided additional custom during quieter periods, including winter.
- The pub attracted trade from a nearby caravan site which lacks its own clubhouse.
- The representation argues that the factors supporting the pub's previous success remain and that there is no reason it could not trade successfully again

6.3 The full comments are accessible via the Herefordshire Council Planning Register, through searching the reference number of the Herefordshire Council website.

7.0 OFFICER APPRAISAL

Principle of development / loss of the public house

7.1 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."

7.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy and the Brimfield and Little Hereford Neighbourhood Development Plan (NDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.

- 7.3 For completeness, although the Council currently has a 3.11-year housing land supply, this does not render the most important policies for determining the application out-of-date for the purposes of paragraph 11(d) of the NPPF. The relevant policies in this case are identified as being the Core Strategy Policy SC1 and Policy BLH6 of the Brimfield and Little Hereford NDP, which concern the safeguarding of community facilities and do not relate to the supply or distribution of housing. Both policies are consistent with the NPPF's approach to preventing the unnecessary loss of community uses. Accordingly, the 'tilted balance' is not engaged and the proposal falls to be determined in accordance with the development plan, in line with Section 38(6).
- 7.4 Policy SC1 of the Core Strategy seeks to protect, retain or enhance existing social and community infrastructure, or ensure that new facilities are available as locally as possible. It goes on to state that '*existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected; or it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility.*'
- 7.5 Policy BLH6 of the Brimfield and Little Hereford NDP is in general conformity with Policy SC1, but applies its safeguarding principles to the local level. It states the following;
- The Parish Council will not permit the change of use of existing facilities to other uses unless one of the following can be demonstrated:*
- a) The proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities. Such sites must be accessible by public transport, walking and cycling, and have adequate car parking; or*
- b) There is no longer a need for the facility, and this is demonstrated to the satisfaction of the local planning authority, advised as appropriate by the Parish Council.*
- 7.6 Taken together, Policies SC1 of the Core Strategy and BLH6 of the Brimfield and Little Hereford NDP impose a clear and restrictive policy test against the loss of previously established social and community facilities. In both cases, development may be supported either where accessible, equivalent (or enhanced) alternative facilities are provided, or where it is demonstrated that the facility is no longer required, with Policy SC1 additionally allowing for consideration of viability.
- 7.7 Policy BLH6 applies this safeguarding approach with a focus on whether a continuing need for the facility exists within the parish and this assessment is to be made to the satisfaction of the Local Planning Authority, informed as appropriate by the Parish Council (through consultation).
- 7.8 With this policy context in mind, the two main considerations relating to the acceptability of the loss of the public house are set out below.
- Is the facility no longer required (and, where relevant, viable or fit for purpose)?
- 7.9 Policy SC1 seeks to determine whether the facility is no longer required, viable or is no longer fit for purpose. Only one of these would need to be satisfied, and that which is relevant ultimately depends on the nature of the facility and the evidence supplied to support the application.
- 7.10 In this case, the applicant has submitted a viability report prepared by Halls (dated 2024), together with supporting appendices which also including marketing evidence from Fleurets and Sidney Phillips, insurance correspondence, and a summary of business failures. The report highlights significant challenges, including repeated flooding events given the site's location adjacent to the River Teme, the consequential inability to secure flood / public liability insurance, substantial capital expenditure required to bring the premises up to a tradeable/attractive standard, and a history of business failures with multiple tenants. While the applicant's valuer concludes a

negative residual value on the basis of high assumed refurbishment costs, these figures are not supported by independent QS costings and therefore attract only moderate weight.

- 7.11 Between February 2015 and April 2021, the property was marketed at a value of £495,000, with of a substantial number enquiries but only three formal offers, none of which proceeded to completion (one withdrawn following the 2020 flooding). It is noted that the marketing was undertaken at an asking price which was more than double the valuation provided in the viability report as above referenced, and the significant disparity suggests that the historic marketing price may not have reflected realistic market value. As the Halls valuation is an up-to-date assessment of the building's current condition and market context, the evidential weight that can be placed on the earlier marketing exercise is therefore reduced in the absence of more recent marketing at an appropriate and realistic level. The evidence nevertheless points towards significant and persistent challenges to the continued operation of the premises as a trading public house.
- 7.12 While the riverside location may be commercially appealing in some respects, the practical implications of flood risk and the associated costs and operational uncertainties are considered to be deterrents, as documented and could provide some suggestion that the facility is no longer fit for purpose - especially noting its deteriorating state.
- 7.13 That said, local residents, the Parish Council, and CAMRA contest that the pub was trading successfully until the most recent flood event, and that offers to purchase as a going concern were made. It is also acknowledged that further evidence of marketing or alternative business models could, in theory, be submitted. The local objection to the loss of the public house is acknowledged, and this does give weight to an argument that the facility is still considered to be required by the community (i.e there remains a need for it); albeit the level of public interest is not considered to be significant in the context of the community/ locality as a whole.
- 7.14 Taking all matters into account, including the representations from the Parish Council, former operators and CAMRA, it is acknowledged that there is credible evidence that the Temeside Inn has operated successfully in the past, and that there remains some support for its continued use as a public house (i.e still considered to be required). While the submitted viability evidence identifies significant operational challenges, particularly in relation to flood risk and insurance, these matters are not fully substantiated such that they clearly demonstrate the premises is no longer fit for purpose; and, in the absence of any recent, robust marketing at a realistic price point, the viability evidence cannot be fully relied upon to demonstrate that the facility is no longer capable of viable operation in all circumstances.
- 7.15 As such, it is not been convincingly demonstrated that the facility is either no longer required, viable or fit for purposes. On this basis, it is not considered that this limb of Policies SC1 and BLH6 is complied with.

Is there appropriate alternative provision available within the locality?

- 7.16 Turning to the second limb, consideration is now given to whether appropriate alternative provision of equivalent or enhanced value is available within the locality, in accordance with Policies SC1 and BLH6.
- 7.17 It is acknowledged that Policy BLH6 refers to circumstances where the proposal itself includes alternative provision. Policy BLH6 defines community facilities as including "village halls, sports facilities and religious buildings". In this case, no replacement public house is proposed as part of the development. This is not unexpected: the types of facilities explicitly referenced in the policy are typically unique, parish-level assets, the loss of which would normally therefore require a like-for-like replacement to be proposed within the same scheme. By contrast, a public house is a commercial use that can, in practice, be provided in more than one location within the wider community, and its replacement would not reasonably be expected to form part of a single change-of-use application.

- 7.18 In this context, and having regard to the wording and purpose of Policy BLH6, the assessment therefore proceeds on the basis of whether sufficient alternative provision exists within the locality to serve the community affected, in line also with Policy SC1 and paragraph 98(c) of the NPPF.
- 7.19 It is noted that, within Policies SC1 of the Core Strategy and BLH6 of the Brimfield and Little Hereford NDP, the terms “community” and “locality” (used respectively when considering alternative provision) are not expressly defined. In applying the policy test, it is therefore necessary to interpret these terms in a reasonable manner, having regard to the spatial context and objectives of the development plan.
- 7.20 In this regard, it is first important to consider that Brimfield and Little Hereford are combined to form the most local tier of governance and together comprise the designated Neighbourhood Area for the purposes of the NDP. The NDP has been prepared on this joint geographical basis, and its objectives are framed in collective terms. Notably, Objective 6 of the Neighbourhood Plan seeks “*to work together and support the local community to protect local community facilities*”, which supports the position that Brimfield and Little Hereford are intended to be considered as a single community or locality for policy purposes.
- 7.21 Accordingly, for the purposes of Policy BLH6, it is considered reasonable to interpret the requirement for an alternative facility of equivalent or enhanced value to be “*available or provided within the locality*” as referring to the Neighbourhood Area as a whole, rather than being limited solely to the individual settlement of Little Hereford. However, this does not remove the need to consider whether any such alternative facility would, in practical terms, be realistically accessible and functionally equivalent for residents of Little Hereford, having regard to distance, means of travel, and day-to-day usability. This is important especially when considering the ‘community affected’ as per Policy SC1.
- 7.22 This approach is consistent with paragraph 98(c) of the NPPF, which seeks to guard against the unnecessary loss of valued community facilities, including public houses, where such loss would reduce the ability of communities to meet their day-to-day needs. With this in mind, the assessment of alternative provision must consider not only the existence of facilities within a wider area, but also whether they serve the same community, and are accessible to those considered to be affected by the proposed development.
- 7.23 The Temeside Inn is the only public house within Little Hereford. In terms of nearby alternatives, The Roebuck Inn, located in neighbouring Brimfield, retains lawful use as a public house and is the subject of a current planning application (ref. 253337) for refurbishment and partial change of use. While it is not currently trading and the outcome of the undetermined application is currently unknown, the lawful use remains extant, and the prospect of refurbishment provides an opportunity for the Roebuck to reopen and serve the Neighbourhood Area, including Little Hereford. The Salwey Arms is located at Woofferton (part of a contiguous built-up area comprising Brimfield and Wyson) and although lying strictly outside of the Neighbourhood Area and within Shropshire, it serves as a currently trading community facility. Given these factors, both premises are considered realistic alternative facilities capable of serving residents of Little Hereford.
- 7.24 It is acknowledged that neither the Roebuck nor the Salwey Arms are accessible on foot from Little Hereford, but are both situated a broadly similar distance by road (approximately 1¼ -miles and a drive time of 2-3 minutes by car). They are both established public houses of similar or greater size to the Temeside Inn, and benefit from dedicated parking. Notwithstanding the Salwey Arms’ location just outwith Herefordshire, this is considered an academic point, with the Salwey arguably serving a very similar catchment as the Roebuck, and likely to only a limited extent different to that of the Temeside, given the close functional and spatial relationship between the settlements of Brimfield/Wyson, Woofferton and Little Hereford, their surrounding rural hinterlands, and the associated pattern of movement. As such, both the Roebuck and the Salwey could reasonably provide alternative facilities for the eastern part of the Neighbourhood Area (i.e

Little Hereford), albeit with some limitations in terms of accessibility for those without private transport; a characteristic which is commonly associated with rural communities in any case. To emphasise this point, any replacement facility that were to be located within Little Hereford itself, would still fail to demonstrate that it would be accessible to all by public transport, walking and cycling, given the settlement pattern and lack of pedestrian/ cycle infrastructure.

- 7.25 It is accepted that the Parish Halls in both Brimfield and Little Hereford provide venues for community events and social activity. Whilst these are not a direct replacement for a public house in terms of their size and quality as a daily informal meeting place, they can be afforded some limited weight but are not relied upon as substitute provision, but rather as a complementary element to the wider social infrastructure.
- 7.26 Furthermore, the nature of the Temeside Inn as a roadside public house should be acknowledged, whose viability could be more dependent on destination trade than on local wet sales, given the size of Little Hereford (especially when compared to Brimfield/Wyson). Little Hereford is a small settlement, and only a handful of properties are located within close proximity, as to be able to access the public house on foot. While the evidence presented, including representations from the Parish Council and local residents, indicates that the Temeside Inn has historically played an important role as a community hub for Little Hereford, the presence of the Roebuck (with realistic prospects of reopening), the Salwey Arms, and the parish halls is considered, on balance, to provide some mitigation against the loss of the Temeside Inn as a public house within this defined locality. Indeed, those making representation in objection reside not only in Little Hereford, but also in Brimfield, Middleton, Ludlow and Tenbury.
- 7.27 Drawing these matters together, it is acknowledged that there is no alternative public house within Little Hereford itself, and that the identified alternatives are invariably subject to some limitations in terms of accessibility. On this point specifically, while Policy BLH6(a) is framed to secure alternative provision accessible by walking, cycling and public transport, the rural baseline here is considered determinative. Little Hereford's limited 'walk-in' catchment, limited or nil public transport, and the resultant pattern of car reliance ultimately means strict compliance with the expectations of this development plan policy would render the alternative-provision limb undeliverable in practice. Interpreting BLH6 proportionately, and having regard to the functional catchment in which the Neighbourhood Area is situated within, both the Roebuck (extant lawful use with a realistic prospect of reopening) and the Salwey Arms (currently trading) are considered to offer reasonably accessible alternative facilities.
- 7.28 However, when assessed at the scale of the Neighbourhood Area as a whole and considering the impact on the locality and community affected, it is considered that the presence of the Roebuck Inn (with an extant lawful use and a realistic prospect of reopening), together with the Salwey Arms and the availability of parish halls for community events, provides a degree of alternative provision that together could be considered as available and of an appropriate quality and size.
- 7.29 While this alternative provision may not replicate the role of the Temeside Inn in all respects, and reduced weight is afforded to non-trading or non-daily facilities, it is considered that, on balance, and noting that Policies SC1 and BLH6 set out their expectations on an either/or basis, the alternative provision limb of those policies is broadly satisfied to determine the principle of loss of the facility as acceptable.

Design and visual / landscape impact

- 7.30 The proposed external alterations comprise the removal of a later, incongruous add-on to the northern elevation of the inn; the construction of a modest timber-framed porch; and the removal of a retaining wall and areas of hardstanding associated with the existing car park. These interventions are limited in scale and are sympathetic to the host building's traditional form.

- 7.31 Given their modest scale, these elements would not give rise to harm to visual amenity or to the wider rural landscape. The proposals therefore accord with Core Strategy Policy SD1 and LD1 (sustainable design) and with the relevant design policies of the Brimfield and Little Hereford NDP, notably BLH8 and BLH9 and the principles of the NPPF.

Access and highway safety

- 7.32 The site is served by two existing vehicular access points onto the A456, which form part of the established lawful use of the premises as a public house. These access arrangements would be unchanged as part of the proposal, except for the northern access which would be reduced to a standard width; but no adverse / highway safety impacts are anticipated to arise as a result of this.
- 7.33 In considering vehicle movements, the lawful fallback position of the site as a public house is material. Public houses can generate comparatively high levels of traffic, including staff movements, customer trips and deliveries. In contrast, the proposed use as a single dwellinghouse represents a significant reduction in overall trip generation when compared to the established lawful use. As such, the proposal would have a net positive or neutral effect on the operation of the highway network.
- 7.34 The Local Highway Authority (LHA) has reviewed the application and raises no objection, noting that the proposed use would not impose an unacceptable impact on highway safety or the capacity of the local highway network.
- 7.35 The proposal also includes the reduction of the existing hard-surfaced parking area to the south of the building. This is considered acceptable as the parking retained would be more than sufficient to meet the needs of a single residential property.
- 7.36 Although the LHA has recommended a condition requiring details of secure cycle storage, this is not considered to meet the tests for planning conditions. The proposal relates to the change of use of an existing building to a single dwelling with ample private curtilage, in a rural location where cycle use is not practical or a reasonable expectation of future occupiers. Cycle parking can be readily accommodated within the site without the need for control, and its absence would not result in any adverse highway safety or sustainability impacts. The condition is therefore not 'necessary', nor 'reasonable' and thus has not been included.
- 7.37 On this basis, the development is considered to accord with Core Strategy Policy MT1 and relevant guidance in the NPPF, and is acceptable in terms of access and highway safety.

Impact on residential amenity

- 7.38 The site lies adjacent to the A456, with Crossing Cottage and Gamekeepers Cottage located to the north; however, given the modest scale of the alterations and the significant reduction in activity associated with the lawful fallback use as a public house, no undue impacts on residential amenity would arise. Any short-term construction-phase effects will be appropriately controlled through the Construction Environmental Management Plan (CEMP) already required for ecological mitigation.

Ecology and impact on the River Teme SSSI and River Clun SAC

- 7.39 The application site lies adjacent to the River Teme SSSI, which forms part of the wider River Teme catchment. The River Teme is hydrologically connected to the River Clun SAC, designated for its population of Freshwater Pearl Mussel (*Margaritifera margaritifera*). Given this, and in line with the precautionary principle under the Conservation of Habitats and Species Regulations 2017, the proposal has been subject to Habitat Regulations Assessment (HRA).

- 7.40 The project in this case comprises the change of use of an existing public house (with ancillary residential accommodation) to a single dwellinghouse, with some associated minor operational development. The Council's Ecologist has confirmed that, for the purposes of the HRA, the residential element of the existing public house constitutes the baseline. As such, the proposal represents a like-for-like residential foul-water change, and no new or additional foul-water / nutrient pathways to the River Teme SSSI (and by extension, the River Clun SAC) are considered to be created. This conclusion is set out in Table 3 of the Appropriate Assessment (**Appendix 1**).
- 7.41 It is also noted that the scheme includes the upgrade of the existing septic tank to a modern package treatment plant. Although this is subject to separate EA permitting due to the SSSI designation, the upgrade nevertheless represents an improvement.
- 7.42 However, the proposal does include a limited degree of operational development and engineering operations, including the provision of a porch, some minor demolition works on the northern elevation, the removal of a section of retaining wall and associated made ground, and the reduction of the extent of the existing southern car park. These could introduce the potential for construction-phase effects, including silt mobilisation, pollution, disturbance to protected species (notably Otter), and temporary impacts on supporting habitats during this phase.
- 7.43 Accordingly, the project could not be screened out at Stage 1 of the HRA, and a Stage 2 Appropriate Assessment was undertaken by the Ecologist. Natural England has been consulted on the HRA and raises no objection, subject to the adoption of the identified mitigation measures (Construction Environmental Management Plan and restriction in external lighting – secured by Conditions 3 and 5, respectively).
- 7.44 With this, the Appropriate Assessment concludes that the proposal would not give rise to adverse effects on the integrity of either the River Teme SSSI or the River Clun.
- 7.45 Beyond the specific considerations as set out above, the development is limited in scale and confined largely to the existing curtilage of the public house. No priority habitats would be impacted, and the site does not lie within or immediately adjacent to any non-statutory wildlife sites. The Council's Ecologist has confirmed that, subject to the implementation of the Construction Environmental Management Plan (CEMP) – as required for the HRA, there would be no unacceptable impacts upon protected species, including Otter associated with the River Teme corridor.
- 7.46 The applicant has submitted the required Statutory Biodiversity Metric evidence, which confirms that the development would achieve the mandatory 10% biodiversity net gain, primarily through the removal of hardstanding and the creation of additional permeable garden habitat, alongside small-scale enhancements such as native planting and bird and bat boxes. Delivery, monitoring and long-term management of these measures would be secured through the statutory BNG condition.
- 7.47 With the above in mind, the proposal is considered to accord with Policy LD2 and SD4 of the Core Strategy and Policy BLH15 of the Brimfield and Little Hereford NDP, and the principles set out in the NPPF.

Flood risk and drainage

- 7.48 The application site lies adjacent to the River Teme and is located within an area subject to fluvial flood risk. The Environment Agency (EA) Flood Map for Planning indicates that the majority of the site is located within Flood Zone 3, with areas of Flood Zone 2 also present.
- 7.49 Policy BLH12 of the Brimfield and Little Hereford NDP seeks to ensure that development in areas with known surface water flooding issues, appropriate mitigation and construction methods would be required.

- 7.50 Policy BLH14 states that until adequate surface water drainage measures / waste water treatment facilities have been installed to protect both existing properties and any new development, proposals for new residential development in Brimfield and Little Hereford will only be considered acceptable in Flood Zone 1. It goes on to set out the expectations for development in Flood Zone 2, and for Flood Zone 3 it is stated that the Parish Council will resist new residential development.
- 7.51 As required by Policy SD3, the application is supported by a Flood Risk Assessment (FRA) which has been informed by EA hydraulic modelling data, which provides a more detailed / accurate assessment of flood risk when compared with the more strategic Flood Map for Planning. The EA, as statutory consultee and in response to the consultation, has confirmed that its most up-to-date modelling (including NAFRA2 data) has been reviewed and, notwithstanding updated mapping showing an increased extent of flood risk in parts of the site, raises no objection to the proposed development subject to conditions.
- 7.52 The FRA confirms that the existing public house building itself is located marginally above the modelled 1 in 100-year flood level (without climate change allowance), but would be affected during more extreme events when climate change is taken into account. Historic flood events, including those recorded in 2007 and 2020, are acknowledged. The FRA is therefore considered to appropriately assess flood risk to the site.
- 7.53 For the purposes of flood risk vulnerability classification, it should be recognised that both the existing public house use and the proposed residential use are defined as 'More Vulnerable' development, as set out in Annex 3 of the NPPF; explicitly including drinking establishments and dwelling houses within the same vulnerability category. The proposed change of use would therefore not result in any increase or change in flood-risk vulnerability in policy terms, as confirmed by the EA in their bespoke response.
- 7.54 In accordance with paragraph 176 of the NPPF and footnote 62, the Sequential Test is not required in this instance, as the proposal comprises a change of use of an existing building with no material increase footprint (i.e less than 250m²).
- 7.55 The FRA demonstrates that the development can be made safe for its lifetime through a combination of mitigation measures. These include:
- use of flood-resistant and flood-resilient materials;
 - siting electrical systems and other vulnerable components above predicted flood levels;
 - no sleeping accommodation at ground-floor level;
 - provision of safe refuge at first-floor level during flood events.
- 7.56 The EA confirms that although the existing floor level is below the design flood level, this is acceptable for a change of use provided the above resilience measures are secured and there is no ground-floor sleeping. Condition 4 is therefore recommended to secure implementation of the FRA's mitigation in accordance with Policies SD3, BLH14 and BLH15, and national policy.
- 7.57 The proposal also includes the removal of a low retaining wall and associated made ground within Flood Zone 3 adjacent to the eastern edge of the car park to the fore of the public house. These works do not benefit from planning permission or consent from the EA and therefore constitute an unauthorised engineering operation. As such, their removal cannot be taken as a positive benefit of the development, but rather as a remedial matter relating to past works. The EA supports reinstatement of original ground levels as this would avoid obstruction of flood flows and loss of floodplain storage. However, the acceptability of the proposed change of use does not depend upon these works being removed. The FRA and the EA's consultation response confirm that the development can be made safe for its lifetime through resilience measures alone (secured by

condition). Given this, the reinstatement of ground levels is not necessary to make the proposed development acceptable in planning terms.

- 7.58 With this in mind, a condition requiring details and specification of historic pre-alteration levels would not meet the tests for planning conditions as set out in the NPPF, as it would not be 'necessary' to make the development acceptable, nor 'relevant' to the development to be permitted. Any matters concerning the unauthorised engineering operations themselves fall within the scope of separate planning enforcement powers rather than this permission and that relating to EA permitting regulations/ Flood Risk Activity permits.
- 7.59 In relation to surface water and foul drainage, the FRA confirms that surface water runoff would be managed through sustainable drainage measures, and that foul drainage would be managed via a package treatment plant; this would require an EA permit given the discharge to the River Teme SSSI; but would be a demonstrable benefit to the existing septic tank it would replace.
- 7.60 Overall, it is considered that the proposed would not result in an increase in flood risk, would not increase vulnerability of the use of the site, and can be made safe for its lifetime through appropriate measures. Subject to conditions, therefore, the proposal is considered acceptable in flood-risk and drainage terms.

Other matters

- 7.61 In response to representations, it is noted that the Temeside Inn was recently nominated for inclusion on the Council's List of Assets of Community Value. However, as confirmed in the published ACV register, the nomination was declined on 13 November 2025 on the basis that the premises, being closed at the time of nomination, did not meet the statutory definition of land of community value under Section 88 of the Localism Act 2011, with insufficient evidence of future community use. Accordingly, the ACV process has no bearing on the planning assessment in this case.
- 7.62 The proposed development raises no issues in respect of waste storage, contaminated land or land stability.
- 7.63 No planning obligations are required in this case.
- 7.64 The proposal has been assessed in accordance with the Public Sector Equality Duty and the Human Rights Act and no adverse impacts have been identified.

8.0 CONCLUSION

- 8.1 While the loss of the Temeside Inn as a public house is regrettable, and the evidence before the authority leaves some doubt as to whether the facility is still required, viable or fully fit for purpose, the relevant development plan policies provide for an 'either/or' assessment of proposals involving the loss of community facilities. In this case, the availability of alternative public houses within the functional locality, together with the wider social infrastructure within the Neighbourhood Area, is considered sufficient to satisfy the alternative-provision limb. On that basis, and notwithstanding the contested viability position, the principle of the change of use is considered acceptable.
- 8.2 The operational development and engineering proposed are modest and would not result in harm to visual amenity, landscape character or neighbouring living conditions. Compared with the lawful fallback use as a public house, the proposed dwelling would likely generate significantly less activity, and no access or highway safety concerns arise, principally for this reason. Flood-risk, drainage and ecological matters have been satisfactorily addressed, and the development would not increase vulnerability in flood-risk terms.

- 8.3 Accordingly, the scheme is judged to accord with with the relevant policies of the development plan, and no material considerations of sufficient weight have been identified to justify a decision other than in accordance with it.

RECOMMENDATION : That officers named in the Scheme of Delegation are authorised to grant full planning permission subject to the conditions set out below and any other further conditions considered necessary:

STANDARD CONDITIONS

Time limit

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

Approved plans

2. The development shall be carried out strictly in accordance with the approved plans listed below.
 - 6000-19-A Location and Block Plan
 - 6000-22-B Proposed Site Plan
 - 6000-21 Proposals

Reason: To ensure adherence to the approved plans in the interests of proper planning and for the avoidance of doubt, in accordance with the Herefordshire Local Plan – Core Strategy, Brimfield and Little Hereford Neighbourhood Development Plan and relevant principles set out in the National Planning Policy Framework.

COMPLIANCE/ CONSTRUCTION PERIOD

Construciton Environmental Management Plan

3. Prior to the commencement of any operational development, including any site clearance, demolition, groundworks, engineering works, or the bringing of machinery, equipment or materials onto the site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include a full Ecological Working Method Statement (EWMS) and identify a suitably experienced and qualified 'responsible person' (Ecological Clerk of Works).

The EWMS shall be informed by an ecological assessment undertaken within the six months preceding the submission of the CEMP and shall include:

- species-specific risk avoidance and protection measures;
- pollution prevention measures including to prevent silt or debris entering the River Teme SSSI;
- details of working methods, timing restrictions, and exclusion zones;
- measures to ensure protection of Otter and other protected species;
- site set-up including storage areas, compounds and material stockpiles.

The development shall thereafter be carried out strictly in accordance with the approved CEMP and all measures shall remain in place until all operational works are completed and all equipment and materials have been removed from the site.

Within three months of receiving any protected species licence(s) from Natural England, a copy of the licence and the results of any additional survey work undertaken to support the licence shall be submitted to, and acknowledged in writing by, the Local Planning Authority. Where post-implementation monitoring is required by the licence, the results shall be submitted within three months of completion of each monitoring survey.

Reason: In order to secure the protection of legally protected species and sensitive habitats, and to ensure appropriate working practices during construction, having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, the Wildlife and Countryside Act 1981, Policies SS1, SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan Core Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan, the National Planning Policy Framework and the Natural Environment and Rural Communities Act 2006.

PRIOR TO FIRST USE/OCCUPATION

Flood risk measures

4. Prior to the first occupation of the dwelling, flood proofing (resistance and resilience) measures shall be incorporated into the property as recommended in the FRA ref CWC248a-RP01-Rev 1, section 5.3, unless otherwise agreed in writing by the Local Planning Authority.

These following recommended measures should be sited to a minimum of 62.34m AOD, which is 300mm above the 1% plus climate change flood level:

- Plaster coatings on walls able to withstand recurrent flooding.
- Electrical switches, socket outlets, accessories and flood susceptible equipment.

Reason: To protect future occupants for the lifetime of the development in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy, Policy BLH14 of the Brimfield and Little Hereford neighbourhood Development Plan and the National Planning Policy Framework.

COMPLIANCE/OPERATIONAL

External lighting

5. No external lighting or internally transmitted light resulting from the approved development or its use shall at any time illuminate the River Teme or any part of its banks within 10 metres of the river edge.

Subject to the above requirement, no external lighting or external luminaires of any kind shall be installed or operated other than a maximum of one LED down-lighter above or beside each external door (and below eaves height). Each light shall have a Corrected Colour Temperature not exceeding 2700K and a maximum output of 500 lumens, shall be directed downwards with a 0-degree tilt and 0% upward light ratio, and shall be operated by a passive infrared (PIR) sensor with a maximum over-run time of 1 minute. No other external lighting, including security lights, floodlights or decorative lighting, shall be installed at any time unless first approved in writing by the local planning authority.

The lighting shall thereafter be maintained and operated strictly in accordance with these approved details for the lifetime of the development.

Reason: To ensure that protected species and the intrinsically dark character of the River Teme corridor (SSSI) are safeguarded in accordance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, the Wildlife and Countryside Act 1981, Policies SS1, SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan Core Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan, the National Planning Policy Framework and the Natural Environment and Rural Communities Act 2006 and in recognition of the Council’s Climate Change and Ecological Emergency declaration.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to recommend that planning permission be granted in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The applicant is advised that the removal of the unauthorised retaining wall and associated made ground within Flood Zone 3, as shown on the approved plans, may require liaison with the Environment Agency to ensure the works are undertaken in a manner that does not adversely affect the functional floodplain. Any reinstatement works should be carried out in accordance with good practice for working within the floodplain.
3. The applicant is advised to prepare a Flood Warning and Evacuation Plan for the property and to register with the Environment Agency’s Flood Warning Service. Trigger levels for evacuation should be set at a flood-free point, such as when floodwater begins to enter the southern car park, as referenced in the Flood Risk Assessment and the Environment Agency’s consultation response. For advice, contact the Council’s Emergency Planning team.
4. The applicant is advised that any works within or near the culverted ordinary watercourse running through the site may require separate Land Drainage Consent from the Lead Local Flood Authority under the Land Drainage Act 1991. This consent is separate from and additional to planning permission.
5. The applicant is advised that the proposed foul drainage arrangements, including the package treatment plant discharging to the River Teme SSSI, may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations. Grant of planning permission does not guarantee that a permit will be issued. Early engagement with the Environment Agency is recommended.
6. The applicant is reminded of their legal obligations under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If protected species are encountered during development, works must cease and advice sought from a qualified ecologist.

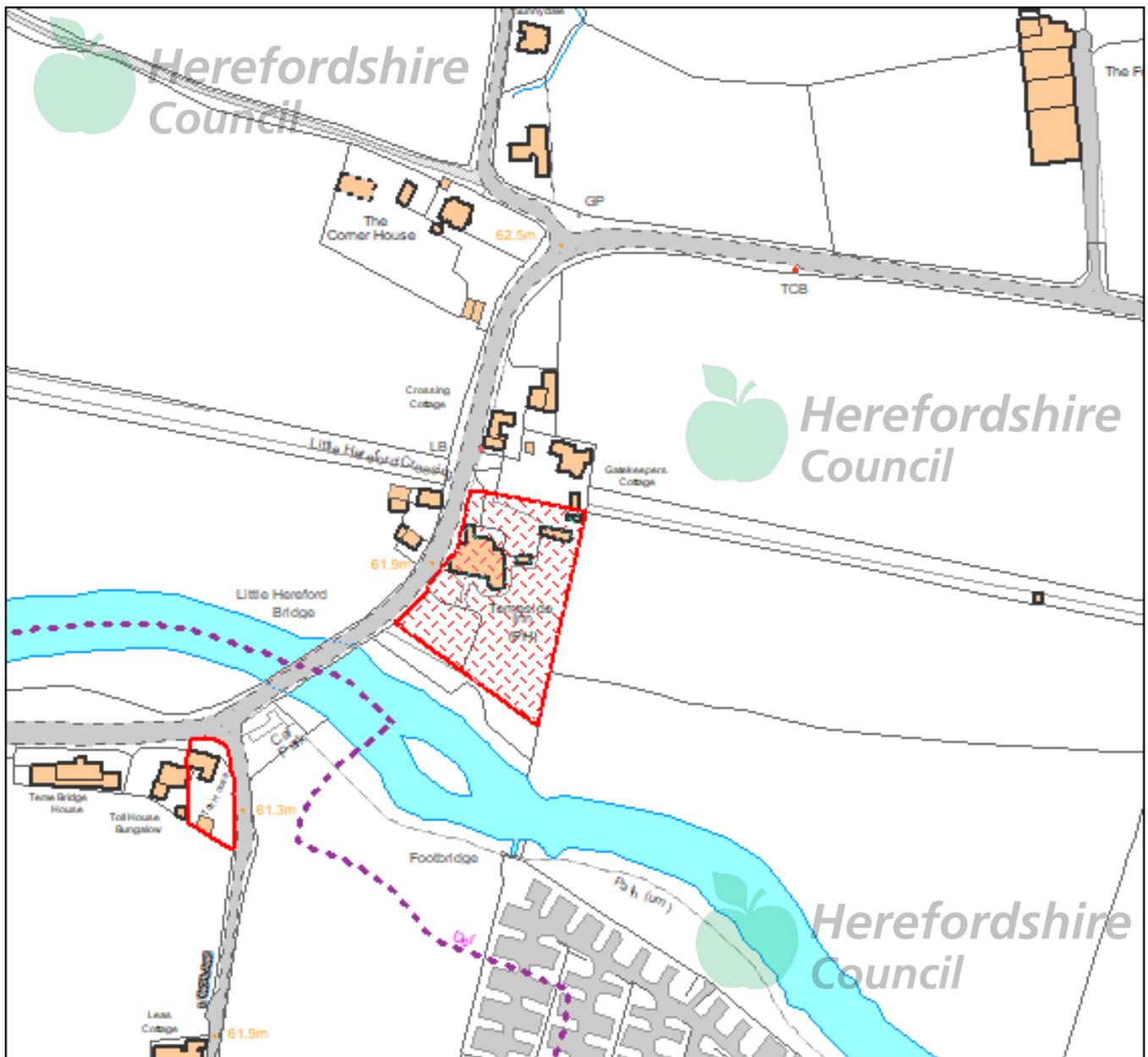
Decision:

Notes:

Appendices

Appendix 1 – Habitat Regulations Assessment

Background papers – none identified



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 252059

SITE ADDRESS : TEMESIDE INN, LITTLE HEREFORD, LUDLOW, HEREFORDSHIRE, SY8 4AT

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