

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>18<sup>TH</sup> MARCH 2026</b>
<b>TITLE OF REPORT:</b>	<p><b>243167 - PROPOSED IMPROVEMENTS TO EXISTING ACCESS ARRANGEMENTS TO FACILITATE THE LAWFUL USE OF LAND AS ALLOTMENTS AND ANCILLARY WORKS TO INCLUDE SIGNS, SHEDS AND A COMPOSTABLE TOILET AT LAND TO THE REAR OF BOYCOTT ROAD, ROSS ROAD, HEREFORD, HR2 7RL</b></p> <p><b>For: Ms Shannon per Mr Ben Greenaway, Po Box 937, Worcester, WR4 4GS</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=243167&amp;search-term=243167">https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=243167&amp;search-term=243167</a>
<b>Reason Application submitted to Committee - Redirection</b>	

**Date Received: 12 December 2024      Ward: Red Hill      Grid Ref: 350616,238885**

**Expiry Date: 9 December 2025**

Local Members: Cllr Dan Powell

## **1. Site Description and Proposal**

- 1.1 The application site lies to the rear of Boycott Road and is accessed off the Ross Road (A49). The private access from the A49 trunk road is well established and is currently secured by a gate at the far end. There is a singular bench and rubbish bin on the site.
- 1.2 The application seeks planning permission for improvements to existing access arrangements to facilitate the lawful use of land as allotments together with ancillary works to include signs, sheds and a composting toilet. There is proposed to be one garden shed sited per allotment with a maximum of 20 allotments.
- 1.3 The application has been supported by the following:
  - Supporting Statement
  - Appendix 1 – Signage details
  - Site Location Plan
  - Amended Proposed Site Plan and Elevations December 2025
  - Supporting Information - letters of support from Connexus and The Aconbury Centre
  - Photographs relating to commencement of use
  - Letter from Hereford Allotment and Leisure Gardener Trustees
  - Preliminary Ecological Appraisal and BNG Assessment
  - The Statutory Biodiversity Metric
  - Baseline habitat map February 2025
  - Proposed habitat map February 2025

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Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

- 1.4 The application and background papers can be accessed on the website:  
<https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=243167&search-term=243167>

## 2. Policies

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

SS1 – Presumption in favour of sustainable development  
SS4 – Movement and transportation  
HD1 – Hereford  
SC1 – Social and community facilities  
OS3 – Loss of open space, sport and recreation facilities  
MT1 – Traffic management, highway safety and promoting active travel  
LD1 – Landscape and townscape  
LD2 – Biodiversity and geodiversity  
SD1 – Sustainable design and energy efficiency  
SD3 – Sustainable water management and water resources  
SD4 – Waste water treatment and river water quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

### 2.2 Hereford Area Plan (HAP):

The Hereford Area Plan was intended to set out detailed proposals to ensure the delivery of the targets for the city in the adopted Core Strategy.

However, on 9 November 2020 the Cabinet Member for Infrastructure agreed that work on the Hereford Area Plan should be stopped with immediate effect and that any elements of the evidence base collected so far should be used as part of the new Local Plan (the revision of the Herefordshire Core Strategy).

### 2.3 The National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development  
Section 4 – Decision Making  
Section 8 – Promoting healthy and safe communities  
Section 11 – Making effective use of land  
Section 12 – Achieving well-designed places  
Section 15 – Conserving and enhancing the natural environment

[https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF\\_December\\_2024.pdf](https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf)

### 3. Planning History

Application no.	Description	Decision
P241928/V	Application for a Lawful Development Certificate for a proposed use of land as allotments.	Approved
P231150/F	Change of use of previously used land as a play area (Class F2), into allotments.	Withdrawn

### 4. Consultation Summary

#### Statutory Consultations

#### 4.1 National Highways – 10 March 2025 – Approve with conditions

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development (“the Circular”). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

The SRN in the vicinity of the proposed development is the A49 trunk road.

#### Development Proposal

The application is for the proposed improvements to existing access arrangements to facilitate the permitted use of land as allotments and ancillary works to include signs, sheds and a compostable toilet

#### Access track

The access track leads directly onto the A49 which is part of the SRN. National Highways note the track and turning circle is going to be excavated and terram membrane will be laid with type 1 granular subbase, which will be compacted with a heavy roller. This will ensure mud and detritus is not taken onto the SRN.

Furthermore, signs are going to be used to advise drivers that vehicles exiting the A49 onto the track have priority. This will require any vehicle on the track to reverse back to the turning circle to allow the oncoming vehicle to exit the A49 safely. This should ensure vehicles are not waiting on the A49 and do not need to reverse back onto the A49. The turning circle within the site will allow vehicles to turn around to ensure vehicles exit the site in a forward gear.

The supporting statement acknowledges that there will be more vehicles using the track during construction than during operation. National Highways will require consulting on a construction traffic management plan (CTMP). The plan will need to include measures for ensuring that there is no mud or detritus tracked or dropped onto the SRN. It will also need to include measures to manage the traffic impact of workers and construction vehicles (including abnormal loads) to avoid the busiest times on the SRN. This can be dealt with through a suitably worded planning condition.

## National Highways Recommendation

Condition 1: Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A49 trunk road). The plan shall include as a minimum:

- a. Details of deliveries to site including times (to avoid the peak hours) and types of vehicles.
- b. Details of the equipment that will be used and location of the equipment and vehicles. To ensure that all plant, equipment and vehicles are accommodated within the site, with no parking, materials storage or loading/unloading taking place within the A49 Highway verge or direct accesses.
- c. Clear and detailed measures to prevent debris, mud, detritus and dust being distributed onto the Local highway and SRN. This should include details of wheel washing and dust monitoring.
- d. Waste management.
- e. Protection measures for hedgerows and grasslands.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Reason: To mitigate any adverse impact from the development on the A49 trunk road and to satisfy the reasonable requirements of road safety.

## Internal Council Consultations

### 4.2 Area Engineer Team Leader

#### Updated comments 23 April 2025 – Approve with conditions

Following the previous correspondence and comments from the LHA the previous comments are still relevant to the recently submitted amended plans as below

“Following the comments received from National highways the local highways authority makes the following comments.

There is an established lawful use of the site for allotments, and the access lane is currently used by a neighbouring property and for the management and maintenance of the site.

National highways have not raised any objections to the proposed use of the land and are happy with the proposed access arrangements with the priority of entering vehicles onto the site and associated signage but have requested the following condition be attached should the permission be granted.

It is proposed that there will be a drop off area on site and no parking available. It is proposed that the allotments will be offered to local residents who are able to walk to the site or use sustainable modes of transport.

In line with the submitted opinions of National highways, the LHA have no objections to the application with the following conditions.”

Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority

(in consultation with the Highway Authority for the A49 trunk road). The plan shall include as a minimum:

- a. Details of deliveries to site including times (to avoid the peak hours) and types of vehicles.
- b. Details of the equipment that will be used and location of the equipment and vehicles. To ensure that all plant, equipment and vehicles are accommodated within the site, with no parking, materials storage or loading/unloading taking place within the A49 Highway verge or direct accesses.
- c. Clear and detailed measures to prevent debris, mud, detritus and dust being distributed onto the Local highway and SRN. This should include details of wheel washing and dust monitoring.
- d. Waste management.
- e. Protection measures for hedgerows and grasslands.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Reason: To mitigate any adverse impact from the development on the A49 trunk road and to satisfy the reasonable requirements of road safety.

Further comments 1 January 2026 – Approve with conditions

Following the comments received from National Highways the local highways authority makes the following comments.

There is an established lawful use of the site for allotments, and the access lane is currently used by a neighbouring property and for the management and maintenance of the site.

National Highways have not raised any objections to the proposed use of the land and are happy with the proposed access arrangements with the priority of entering vehicles onto the site and associated signage but have requested the following condition be attached should the permission be granted.

It is proposed that there will be a drop off area on site and no parking available. It is proposed that the allotments will be offered to local residents who are able to walk to the site or use sustainable modes of transport.

In line with the submitted opinions of National Highways, the LHA have no objections to the application with the following conditions

Conditions –

Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A49 trunk road). The plan shall include as a minimum:

- a. Details of deliveries to site including times (to avoid the peak hours) and types of vehicles.
- b. Details of the equipment that will be used and location of the equipment and vehicles. To ensure that all plant, equipment and vehicles are accommodated within the site, with no parking, materials storage or loading/unloading taking place within the A49 Highway verge or direct accesses.
- c. Clear and detailed measures to prevent debris, mud, detritus and dust being distributed onto the Local highway and SRN. This should include details of wheel washing and dust monitoring.

- d. Waste management.
- e. Protection measures for hedgerows and grasslands.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Reason: To mitigate any adverse impact from the development on the A49 trunk road and to satisfy the reasonable requirements of road safety.

Original comments 5 March 2025 – Further information required

The Local highways authority has considered the submitted documents and makes the following comments.

It is noted that the proposed access to the allotments links onto the A49 Ross Road which is part of the National Highways network and as such National Highways need to be consulted before the LHA can offer comments on the application.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

[www.herefordshire.gov.uk/directory\\_record/1992/street\\_works\\_licence](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)  
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

4.3 **Natural Environment Service (Ecology)** 18 August 2025 – No objection

As agreed with Natural England where 'Full Householder' or similar applications do not create any additional, potentially self-contained residential or overnight accommodation or identified significant additional foul water flows and no other effects are identified they can be considered as screened out from triggering any formal Habitat Regulations Assessment process.

- No new or additional overnight accommodation is being created.
- No new or additional nutrient pathways are created and pathways from proposed composting toilet are considered as already accommodated within the residential allowance for the allotment holders and any other local residents utilising the site.
- Any nutrient pathways from proposed composting toilet will be managed onsite
- No triggers requiring a formal HRA appropriate assessment are identified for this specific development at this location.

Statutory Biodiversity Net Gain

The supplied information seems relevant and appropriate. The approved net gain will be secured by condition for the minimum 30 years. The required statutory BNG 'discharge' will need to be completed subsequent to any grant of planning permission but PRIOR to any permitted use or works commencing. The discharge should include details of how the proposed gains will be delivered, managed and monitored for the minimum 30 year period (simple HMMP) and a final statutory BNG Metric. The BNG scheme must be based on final plans approved.

There are no other ecology comments for this specific application at this location.

4.4 **Open Spaces Planning Officer**

4.4.1 Final comments 12 December 2025 – Further information required

The applicant has submitted further comments in relation to the loss of open space at Boycott Road Hereford for use as allotments and associated ancillary facilities subject to this planning application.

Additional information is required in support of both national and local planning policies: NPPF paragraph 103 requires provision of what open space and, recreational opportunities required in a local area to be based on robust assessments of need and CS policy OS3 requires the loss of open space to result in an equally beneficial replacement or enhanced existing facility to the local community.

My responses are set out below in red:

- 1 The site is not a "pocket park " as has been asserted: it is a small area of moderate quality grassland (see the Preliminary Ecological Assessment and BNG Report submitted in February 2025); the use of the site for allotments will improve the site's quality (see the Preliminary Assessment and BNG Report, paras 5.1 - 5.4, pages 14-16 and the Appendix).

*Disagree. The BNG report is entirely separate policy requirement and has no bearing on the requirements of CS policy OS3 and should not be considered as part of policy and associated evidence bases used to determine the requirements for open space.*

*A pocket park, whilst not a formal typology for the purposes of an assessment of need, is a small accessible greenspace which provides benefits to the community within the immediate vicinity through recreational opportunities and enhancements to the local environment. The 2022 Open Space Assessment zones the space as Provision for Children and Teenagers. However, if to be reviewed now, with the lack of any formal play equipment, the assessment would zone it as Amenity Greenspace. These areas are described as accessible opportunities for informal recreation and community events close to home or work. This can include multi-functional spaces, which offer space for quiet relaxation as well as a range of amenities and activities including children's play for instance. A pocket park fits within this description.*

*Given the location, size and accessibility of this amenity green space to the surrounding residential area the terminology used to describe the amenity green space as a pocket park is considered acceptable.*

- 2 "Overall there is an under provision of allotments in Herefordshire" - (Open Space Assessment Chapter 6, page 60, paragraphs 6.14 and 6.15). Table 6.7 states the under provision in Hereford itself as being 0.070 under the NSALG suggested national standard; using the site as allotments will help reduce Hereford's under supply

*The Open Space Assessment recommends:*

*Review the demand for allotments in Hereford and develop a standard of provision based on this level of need.*

- *0.055ha of allotments have been identified in Hereford.*
- *Herefordshire County do not hold data on allotment demand centrally.*

*Based on the current Core Strategy Evidence, The Open Space Assessment paragraph 6.14 shows that current provision is in deficit by only 0.070ha (700 sq m) based on the NSALG standard of 0.125ha per 1000 population based on an average plot size of 250sq m. That is equivalent to 2.8 allotment plots.*

*Table 6.7 Current provision for the Hereford location*

Location	Area per 1000 of the population	Above/below 0.125ha per 1000 of the population
Hereford	0.055ha	-0.070

The allotments considered in the assessment are sited at:

- Wordsworth Allotments site area 1.73ha – 17300 sq m - NSALG standards: 69.2 allotments
  - Greyfriars Bridge Allotments site area 0.5ha – 5000 sq m – NSALG standards: 20 allotments
  - College Road Allotments site area 0.66ha – 6600 sq m – NSALG standards: 26.4 allotments
  - Ash Avenue Allotments site area 0.3ha – 3000 sq m – NSALG standards: 12 allotments
  - Westfaling Allotments site area 0.2ha – 2000 sq m - NSALG standards: 8 allotments
- Total 135.6

In accordance with the recommendation of the Open Space Assessment, HALGs has provided additional information showing existing provision within Hereford, including several other sites not recorded by the assessment. This is accepted. This would initially imply that there is above the recommended provision, but, HALGS has indicated that the need in Hereford is above the recommended standard as shown below:

*National Allotment Society (NAS) guidelines state a size of 250 sq metres per plot, based on those sizes HALGS has the following space. HALGS have been innovative in the use of the allotment space we manage due to our waiting lists and regular enquiries (about 3 per week). Original size allotments have been halved, or quartered so that people new to allotments have a chance to learn how to grow their own food. We now manage 467 allotments in total in this same land which clearly confirms the need for new allotments. The NAS recommends 20 allotments per 1000 households.*

Site	Number of plots per site in Hereford using NAS guidelines	Actual number of plots on site
Ash Avenue	8	16
College Corporation	23	62
	26	43

HALGS Trustees The Fred Bulmer Centre Wall Street Hereford HR4 9HP 2

Drybridge	24	62
Eign	8	15
Holmer	45	66
Rockfield	54	100
Westfaling	9	22
Wordsworth	47	81

In support of the case for allotments, NPPF paragraph 103 and CS policy OS3 requires a robust assessment of need. I do have some additional questions set out below for HALGs to respond to.

- Whilst the figures appear to demonstrate substantial over provision of each site in accordance with recommended NSALG standards of provision, the information is incomplete, as there is no indication of the size of each site to substantiate the analysis. I have provided data as included in the Open Space Assessment which does appear to vary with that supplied.

- Submission of this information will help HALGS to demonstrate that there is substantial under-provision in Hereford of more than the 2.8 allotments as per the Open Space Assessment and hence the need for Boycott Road. This will need to be agreed along with information to demonstrate all plots are in use.
- In accordance with CS policy OS3 HALGS will need to demonstrate that the loss of the open space will result in an equally beneficial replacement **for the local community**. It is my opinion that HALGS has failed to provide supporting information sufficient to demonstrate that there will be benefit to residents living within the locality. HALGs has indicated that they receive regular enquiries and has waiting lists, but no detail has been presented in support of this. As previously requested, this should include a breakdown of where the enquiries are from in support of demonstrating that people living locally will benefit.
- In addition, HALGS has still not demonstrated that other sites have been considered or discounted to meet their needs and that the use of this open space is a last resort.

3 The site is not publicly accessible open space for the following reasons:

I am not sure about the legal issues cited below and if they are indeed a material consideration in determining the outcome of the planning application, but I have commented, nonetheless.

- it is not listed (on the relevant map / page on the Council website) as being one of the 64 Parks or Play Areas which the Council has the responsibility to manage and maintain.

The site is not owned or managed by the council, so will not be listed. This does not deter it from being a public open space as they can be owned and maintained by other bodies both public and private including Parish, Town and City Council's, CICs and Housing Associations including Connexus for instance

4 Connexus Homes manages and maintains the site and is not under an agreement with Herefordshire Council.

I am not aware of an agreement, this would need to be checked with our Legal and Estates Team, but nevertheless it does not deter from Connexus managing the site as public open space

- Access to the site has been gated and that five bar gate is locked and has been for a number of years

As part of the 2022 Open Space Assessment, I undertook a site visit to the site and was able to access the greenspace unhindered.

- The site is in private ownership having been transferred out of public ownership by Herefordshire Council to Herefordshire Housing as part of the assets transferred to Herefordshire Housing by the LSVT in 2001 and then subsequently coming into the ownership of Connexus Homes when it took over the business and assets of Herefordshire Housing.

It is understood that the site was transferred to Connexus Homes.

- The LSVT legal agreement in 2001 did not require the site to be kept as a play area or as a publicly accessible open space for some other use: were it the case that it did, then Herefordshire Council would have been in a position to require play equipment be re-provided / updated and the site maintained as a play area or publicly accessible open space for some other use, which it hasn't .

This would need to be checked with our Legal and Estates Team

- the site has not separately or subsequently been dedicated by its private owners (Herefordshire Housing and then Connexus Homes) as a publicly accessible open space and its inclusion in the 2023 OSA document cannot of itself have had the effect of causing it to become publicly accessible open space.

It is identified as open space within the Open Space Assessment irrespective of its ownership. I cannot comment as to why Connexus have failed to dedicate it as public open space for their residents and this falls outside the planning remit.

- 5 Once the site was transferred into private ownership in 2001, without contractual provisions about its future use, it has always been open to the landowner to deal with the site in the manner it sees fit.

Agreed, Connexus has clearly not maintained the site for formal children's play and that there has been a distinct lack of maintenance given its condition in 2022 when I undertook my site visit. The site has good potential if invested in and properly maintained to a good standard. This is not a reason for the loss of the site as public open space.

- 6 As is evident from the email from Stephen Philips at Connexus attached to our email of 7th August the site, particularly since 2018, fell into disuse and became prone to anti-social behaviour giving rise to complaints to Connexus. The residents of neighbouring properties still advise us that anti-social behaviour is ongoing.

As per my comments above, the site would potentially be a haven for anti-social behaviour because of poor management and maintenance - its perceived lack of use by Connexus and HALGS is most likely due to its poor state of repair and it not being fit for purpose – this is not a reason for it to be lost.

- 7 It is also evident from that same email that Connexus have not granted any rights to any party to use the site (and by extension to enter the site). HALGS are unclear what further clarification the Open Spacer Officer may require of that statement (see the September 2025 amended response from Ruth Jackson in which she fails to explain) as the statement on rights is unequivocal. Whatever ad hoc use may be being made of the site by a very small number of people is without the express agreement of Connexus Homes

I merely wish to understand when Connexus Homes made the decision that “no one has been granted use rights as green space” and what is meant by this. Was this agreed as part of the legal transfer?

- 8 The Certificate of Lawfulness obtained in September 2024 is unimpeachable and is now being implemented, plots have been allocated to local people from our waiting list which consists of around 40 people, laid out and turf stripped to prepare for cultivation. Our Lady's School, the Aconbury Centre and the Child Development Centre have all been contacted about taking up plots.

Can HALGS confirm if any of them have taken up the offer and if so what will the arrangements be?

- 9 Use of the site for allotments is lawful. None of the objectors assert the process leading to issue of the Certificate was flawed or that the Certificate was issued ultra vires the powers of Herefordshire Council, such that it could now be challenged /quashed.

Use of the site as allotments is deemed lawful and HALGS is exercising this right. However, planning approval is required to provide ancillary facilities and as such Core Strategy planning policy OS3 is relevant.

- 10 It is not necessary in determining the current application - which is for works only - to consider and decide whether the effect of the Certificate is to alter the planning status of the site (and if so when). The Certificate exists; it authorises use of the site as allotments and that use is being implemented.

Agreed

- 11 The signs now placed on the existing gate (to exclude public access to the site) have been put in place with the consent of Connexus Homes. No party (whether any one or more of the objectors or lawyers acting on their behalf) have contacted HALGS (or Connexus Homes) to ask that those signs are taken down or that activities to implement the Certificate of Lawfulness cease, ie to stop the turf stripping and site preparation. This lack of communication is consistent with the fact the public have no rights to access and use the site.

Legal will need to advise

- 12 No other proposal with detail eg as to timing, funding, structure, management and land ownership and intended to bring the site back to beneficial use has been put to or agreed with Connexus Homes. Contrary to the observation by the Open Space Officer (in her September 2025 amended response) the onus is not on HALGS to engage with the Friends or with any other objectors as part of its application for permission to carry out works about how the site is to be used - use as allotments has already been established by the Certificate of Lawfulness and HALGS has already secured the agreement of Connexus Homes (who of course control how the site is to be used) to that use.

As the applicant I would suggest that HALGS liaises with Connexus Homes to make appropriate arrangements in support of the application to demonstrate that the Connexus residents have been consulted on the use of the site. This should include questions around accessibility, for example, preference for full use of the site as public open space, restricted use as public open space, along with allotments as proposed by HALGS in the submitted plan and use only as allotments with no public access. A question should be asked around quality, for example, if the site could be improved with investment and good management would the community use it more for recreational purposes – improvements to quality is one of the recommendations taken from the Open Space Assessment.

- 13 This application is about works, not use. The application accords with National and Local planning policies - see the comments of the Open Space Officer in the last two paragraphs of her response dated 10th April 2025. The application does not engage the National and Local policies referred to the Open Space Officer's further reply in September 2025 because lawful use has already been established by the Certificate of Lawfulness. The correct approach to be taken by the Open Space Officer and the policy provisions to be applied to the application are as set out in her 10th April response and not in her September 2025 amended response.

It is agreed that the use as allotments is a lawful use of the site. However, the provision of ancillary facilities requires planning permission and as such National and Local policies for open space are relevant.

- 14 Use of the site for allotments is supported by the local community and brings benefits identified in the attachments to our email of 7th August.

In accordance with CS Policy OS3 the proposal needs to be of equal benefit to the local community, as per my comments above.

- 15 In addition to the letters attached to our email of 7th August, the Child Development Centre adjoining the access to the site asked, through its Specialist Early Years teacher Laura Michael, to have an allotment which HALGS has agreed (the same individual having made the same request previously to Connexus). The petition submitted is not a material consideration for planning purposes particularly given that the signatories connection to the site /application cannot be established. HALGS own canvassing of houses bordering the site revealed only one locally based objection.

The site will remain an open space at the end of the works within application P243167 / F but it will not be a publicly accessible open space; that however is a consequence not of the works but of the fact the site is in private ownership and rights for the public to access and use the site have not been granted nor acquired.

Agreed it would remain a private open space as allotments as this is a lawful use of the site.

- 16 In order to allow some open space within the allotments we offer to amend our application to keep the current gate at the top of the accessway. We will allocate a parcel of land across the top of the allotment as an open space and install a bench for people to enjoy.

The inclusion of a public accessible space is supported. However, the proposal will need to be of a high quality to demonstrate that it is of equal benefit as that of the substantially larger area of the existing site. The applicant has not provided details of the size of the proposed area or how it will look, e.g. what is to be provided in the area in the way of planting, facilities etc to demonstrate enhancement. It looks to be very small and to offer little in recreational value. I would suggest that the proposal is included as part of the consultation with Connexus residents to support CS policy OS3.

- 17 This area will be fenced off to ensure privacy and security for the plot holders. We will make this accessible to local people. This open space would continue to be maintained by HALGS.

If supported, a management agreement would be required as part of any planning approval that this remains in perpetuity

- 18 Ownership of this space remains with HALGS (under its lease) and Connexus and the land being offered is not being offered or dedicated as public open space.

It would be zoned as open space as part of planning policy and associated evidence base to continue its protection

- 19 We also want to clarify that no ball games or other similar recreational use will be allowed because HALGS carries insurance for allotments only. This use will cease if the site ceases to be used as allotments. HALGS offers to set out the open space either by 12 months of completing all the other works or by 24 months from the date of the planning permission

If accepted the open space should provide recreation opportunities for families and children and not be restrictive in order to be compliant with CS policy OS3.

#### 4.4.2 Open Spaces Planning Officer

##### Further comments 4 December 2025 – Further information required

In my previous comments I requested additional information in support of the Core Strategy Policy OS3 as my objection to the loss of open space still stood. More information was requested from both Connexus and HALGs in support of the application.

In accordance with National Planning Policy paragraph 104 and Core Strategy policy OS3, Boycott Road open space provides an important accessible doorstep green space for children in an area not well provided for as evidenced through the Open Space Assessment 2023 and as such is not considered to be surplus to requirement. Evidence has been presented by the Friends of Redhill Green Space in support of retaining the open space for community benefit and a willingness to enter a conversation with HALGS over continued access should allotments be approved which has not been taken up.

I requested that:

HALGs provided:

- evidence/data held by HALGs demonstrating need for additional allotments, to include waiting lists, location of the target groups/individuals, benefit to the residents, and other sites considered and discounted to meet the needs

Connexus Housing provided:

- supporting information in respect of their comment "no one has been granted use rights as green space". Confirmation is sought from Connexus if this means that there is restricted access.
- confirmation as to whether Connexus Housing has undertaken a community consultation with their residents and neighbouring facilities as to the value they place on having a doorstep green for recreation and what improvements they would like to see, including whether restricting access by change of use to allotments is supported.

In response to my requirements in accordance with CS Policy OS3 and loss of open space, the following information has been submitted.

Greenway Planning 17 November 2025:

- Notification that Hereford Allotment and Leisure Gardens (HALG) has now commenced use of the land at Ross Road as allotments.
- Allotments are marked out with 3 completed for working. Others on the HALG waiting list are now being contacted for further allotments to be worked.
- Temporary security fencing and notices have been installed

Friends of Redhill 3 October 2025:

- In relation to Connexus' comment "no one has been granted use rights as green space" - we are unsure what this means.
- The site is a play area and has been publicly accessible to members of the public for decades
- The play equipment has been allowed to degrade and been removed in recent years, and not replaced, however this does not mean it is not a play space used for informal, and kick about play (it is used and valued for this type of play)
- The play equipment being removed does not change the public access to the site - there have not been any restrictions on access to the site since the play equipment has been removed, for example no signs stating as such. There have not ever been any signs which state 'Connexus tenants only' (or similar).
- The gate remains open and has not ever been locked.
- The sign on the gate reads 'Connexus No Dogs', implying that people are allowed to enter and access the space for recreation without their dogs.
- Connexus own and manage a number of other play areas in the county, for example in Much Dewchurch and Upton Bishop- these are freely accessible to members of the public. Members of the public do not need to be 'granted use rights as green space' to access their other play spaces. So we are not sure why Connexus say that members of the public need to be 'granted use rights' to access this particular play area.

- The site was previously managed as a play area by Herefordshire Council, until the large-scale transfer including this piece of land in 2002. The site was managed as a play area by Herefordshire Housing and then by Connexus before Connexus removed the play equipment.
- We are aware that HALGS have submitted further documentation to support the proposal to close the site to members of the wider local community.
- On 6th August 2025 (National Play Day) a group of around 5 families and 9 children got together at the play area to celebrate the importance and value of play. 'Loose parts' play equipment was provided, including balls, frisbee, hula hoops, water chutes with plastic ducks and water toys. Everyone had a wonderful time, connecting socially as families, the children enjoyed playing and running around in the green space (it is safe and enclosed away from roads). Adults enjoyed the sanctuary in nature, walking around and playing with the children. Everyone brought picnics. We all enjoyed the beautiful green space and play area for recreation and play. Photograph evidence of the 'play day' celebrations can be provided if needed.
- The site also has great potential for 'Wildplay' holiday play sessions, and indeed Herefordshire Wildlife trust would like to run WildPlay sessions at the site.
- The importance of play areas and green spaces in urban areas for such use cannot be undervalued. The play area is not 'surplus to requirements'.
- As regards the letters from the two schools, both schools have also shown interest and support for 'Friends of Redhill Green's potential vision for the site, which includes, preserved space for play, an area for individual growers as well as areas of improved biodiversity (eg community orchard area). Both schools could equally potentially access and make use of growing space/ orchard space with the proposals of Friends of Redhill Green, whilst also preserving freely accessible space for play, which we believe is vitally important for communities.
- Our petition in support of saving the play area has also gathered over 400 signatures.  
<https://www.change.org/p/save-redhill-green-treasured-hereford-play-area>

Despite the implementation of the certificate of lawful use by HALGs, with no supporting information provided from HALGs and Connexus as requested and additional information provided by Friends of Redhill demonstrating that the site remains a valued open space and play area and the site is still being used as such (December 2025), my objection still remains in accordance with CS policy OS3 as per my previous comments.

#### 4.4.3 **Open Spaces Planning Officer** **Further comments 17 September 2025 – Further information required**

In support of the change of use from accessible public open space to restricted open space use to provide allotments, the applicant is to demonstrate that in accordance with NPPF paragraph 104 and CS Policy OS3 that the resulting loss of Boycott Road open space will result in an equally beneficial replacement or enhanced existing facility for the local community.

Information/evidence is therefore required in support of this which as set out in my previous comment this information should demonstrate:

- The need for allotments within the Hereford area, including details of existing deficiencies e.g. no. of allotments required to accommodate waiting lists and evidence to support that other sites have been explored and discounted.
- That the local community has been consulted and evidence provided that the site is no longer used as public open space, being surplus to requirement.

The agent on behalf of the applicant has provided the following information summarised below in support of this:

- Connexus Housing: Letter submitted in support of allotments reinforcing that point that all play equipment has been removed. The remaining green space is managed by the ground's

maintenance team, but no one has been granted use rights as green space. Complaints have been received due to anti-social behaviour.

- The Aconbury Centre: is a pupil referral Centre in Ross Road supporting vulnerable young people Letter submitted in support of the allotments, reinforcing the social benefit of allotments to pupil development and to the local community. A desire to access their own plot to support healthy living, support science lessons as well as develop personal and social skills
- Our Lady's Catholic Primary School: is adjacent to the site in Boycott Road. Letter submitted in support of allotments as a great local asset and with significant benefit to the school. Currently the school visit allotments at ASDA but these will be nearer and without need to negotiate busy roads. A desire to access their own allotment.

The focus is on support for the allotments. The attached supporting letters from Connexus Housing and 2 primary schools are noted, but do not demonstrate that the proposal will result in an equally beneficial replacement for the local community in accordance with CS policy OS3 as detailed below:

#### Connexus Housing:

- I would like to understand what is meant by "no one has been granted use rights as green space". Confirmation is sought from Connexus if this means that there is restricted access. Open space can be considered as public or private in accordance with CS policy supporting paragraph 5.1.43 and the Open Space Assessment 2024. Lack of community ownership caused by residents not using it due to limited access or poor management will often result in an area attracting anti-social behaviour and is not a reason for the open space to be lost and does not accord with CS policy OS3.
- I would also like confirmation as to whether Connexus Housing has undertaken a community consultation with their residents and neighbouring facilities as to the value they place on having a doorstep green for recreation and what improvements they would like to see, including whether restricting access by change of use to allotments is supported. In support of CS policy OS3 and loss of open space more evidence is required to demonstrate it is surplus to requirement.
- There are objections to the application and a petition submitted from the Friends of Redhill Green a local resident's group with 136 signatures noted in support of keeping the open space as a valued pocket park. This information is a material consideration in considering CS policy OS3 and loss of open space as providing supporting evidence which demonstrates it is not surplus to requirement.

#### The Aconbury Centre and Our Lady's Catholic Primary School:

- The ability for the schools to access the allotments (as I understand they will be locked) and the potential to have use of an allotment each or between them will need to be confirmed by HALGS. As it stands while the intent is a good one there is no guarantee and as such does not demonstrate that the proposal will result in an equally beneficial replacement for the local community in accordance with CS policy OS3.
- Improving school access to a local allotment, avoiding crossing busy roads, will displace access for children wishing to use a local doorstep green and result in them having to cross busy roads to use open space which falls outside of acceptable thresholds in accordance with the Open Space Assessment 2024. Therefore, this will not result in an equally beneficial replacement for the local community in accordance with CS policy OS3.

Herefordshire Allotment and Leisure Gardeners Trustees (HALGS) has not provided any information in support of usage. This should include:

evidence/ data held by HALGs demonstrating need for additional allotments, to include waiting lists, location of the target groups/individuals, benefit to the residents, and other sites considered and discounted to meet the needs in support of demonstrating that the proposal will result in an equally beneficial replacement for the local community in accordance with CS policy OS3.

- I understand from correspondence from Buxton Solicitors representing the Friends of Redhill Green that consideration would be given to HALGS “continuing to allow community use co-existing with allotment users” which could be supported by CS policy OS3 if demonstrated that it enhances an existing facility for the local community, but it appears that HALGS has given no further consideration to this potential solution, so it is assumed that this is still not an option to be explored.

Conclusion: More information is required from both Conexus and HALGS in support of the application. As presented the application still does not accord with both the NPPF paragraph 104 and Core Strategy Policy OS3.

Boycott Road open space provides an important accessible doorstep green space for children in an area not well provided for as evidenced through the Open Space Assessment 2023 and as such is not considered to be surplus to requirement. Evidence has been presented by the Friends of Redhill Green Space in support of retaining the open space for community benefit and a willingness to enter a conversation with HALGS over continued access should allotments be approved which has not been taken up.

My objection therefore remains.

#### 4.4.4 **Open Spaces Planning Officer** **Further comments 11 July 2025 – Objection**

##### Open Space Requirements.

Relevant Policies: In this instance the following national and local planning policies are relevant.

National Planning Policy Framework (NPPF):

- Paragraph 103: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need
- Paragraph 104: Open Space and Recreation: Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Core Strategy(CS)

- OS3: Loss of an Open Space/Sports and Recreation Facilities.

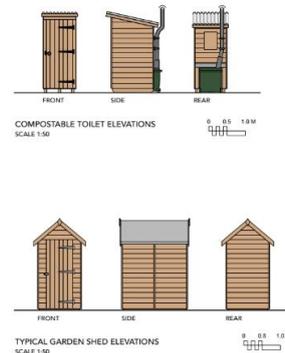
Core Strategy Evidence Base

- Open Space Assessment and Strategy 2023

Proposal: The application proposes an allotment use to accommodate up to 20 with restricted access for this use only. It proposes improvements to the access to allow for vehicular movement, a 2.4m high gate which will be padlocked to prevent unauthorised access a turning area and car parking area shown, and up to 20 storage sheds of no larger than 1.8 x 1.2m footprint. This is shown on Proposed Site Plan and Elevations drawing 2501\_001 (A) extract below



- KEY
- ① Two-tyre access track. Refer to Supporting Statement for construction specification.
  - ② 2.4m high gate at end of access track.
  - ③ Vehicular turning area. Refer to Supporting Statement for construction specification.
  - ④ Purple line denotes post and chain link fencing to perimeter of turning area.
  - ⑤ Pedestrian gate for access into allotments.
  - ⑥ Location of compostable toilet - refer to elevations adjacent.
  - ⑦ Allotments area. Note: 1 garden shed to be sited per allotment with maximum of 20m<sup>2</sup> allotments. Refer to elevations adjacent.
  - ⑧ Sign at top of access track as you leave turning area - refer to Appendix 1
  - ⑨ Double sided sign at bottom of access track to advise vehicles entering from A49 have right of way, also turn left arrow for vehicles leaving the access and entering the A49 - refer to Appendix 1



While a certificate of lawfulness (planning ref P241928/V) has been approved for allotment use, in accordance with planning legislation the existing use of the site remains as public open space as no change of use has been granted by the Local Planning Authority.

The proposal to restrict access to only authorised allotment users will adversely impact upon the site’s public access for recreational use and in addition green areas will be lost due to the development of the turning/parking area and installation of sheds as shown on the plan extract above thus reducing the overall area of open space not only on the site but in the locality as a whole. The actual quantum has not been calculated by the applicant. As such the proposal constitutes both a loss of access to public open space and a quantum loss of an open space in accordance with NPPF paragraph 104 and Core Strategy policy OS3 and associated evidence base Open Space Assessment and Strategy 2023 which uses quantity and accessibility standards based on Fields in Trust and Natural England standards for the provision of open space.

Both the NPPF paragraph 104 and CS policy OS3 requires proposals that result in the loss of open space, sports or recreation facilities to:

- Provide clear evidence that the open space, sports or recreation facilities is surplus to the applicable quantitative standards
- The loss of open space, sports or recreation facilities results in an equally beneficial replacement or enhanced existing facility for the local community.

Furthermore, the NPPF requires provision of what open space, sports and recreational opportunities required in a local area to be based on robust assessments of need. Boycott Road open space falls within the Hereford Analysis Area in the Open Space Assessment and Strategy.

Quantity: In respect of quantity there is a small surplus of provision in the Hereford Area for children and teenagers and for accessible green spaces there is an excess of provision overall.

Quality: In respect of quality Boycott Road open space was found to be poorly maintained in respect of formal play equipment but providing an area of accessible greenspace for informal recreation largely semi-natural in appearance and poor quality and value rating was given based on Green Flag standards. The assessment did conclude that the site does have potential for improvement with appropriate investment and management.

Accessibility: Boycott Road open space is currently freely accessible to the public providing a pocket park for the nearby residents within a busy built-up residential part of Hereford and avoiding crossing busy roads to other parks and open spaces the nearest of which fall outside of acceptable walking thresholds particularly for younger children.

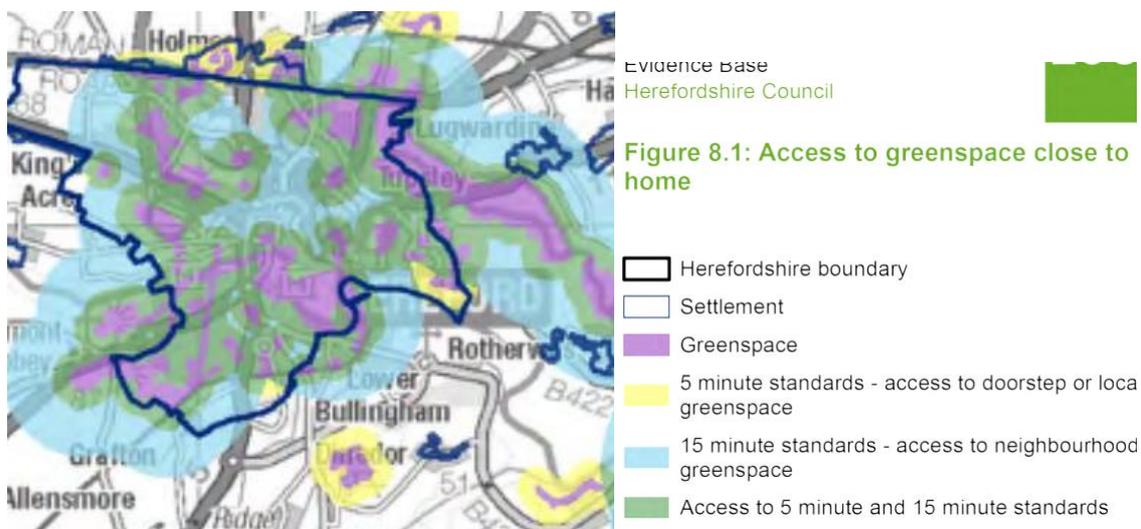
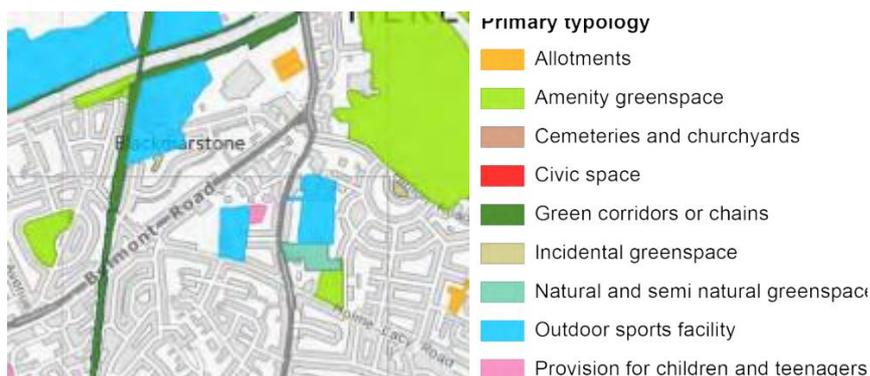
The Open Space Assessment and Strategy recognise that open spaces of different sizes would be expected to provide a different “offer” to users and recognises the need to develop a framework for analysis of open spaces and to set appropriate standards based on a hierarchy of need which include access standards.

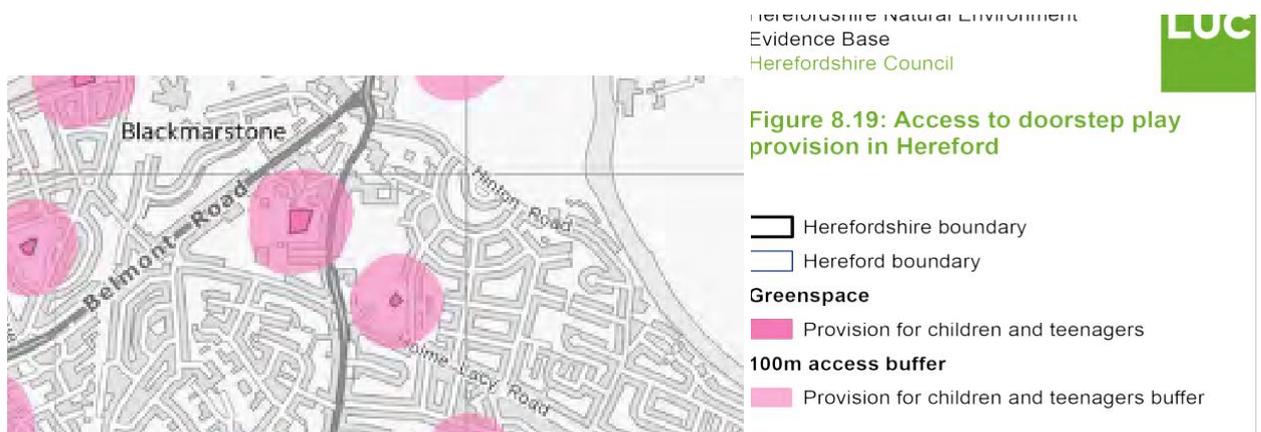
Access to greenspace close to home is defined as 5 minutes walking standards and includes doorstep or local greenspace and 15 minutes walking standards which includes neighbourhood green space.

These standards reflect the generally accepted principal that people are willing to travel further to sites with a wider offer of facilities. Alongside this catchment areas for play spaces are also mapped as follows:

- Neighbourhood, size threshold 0.1 ha, catchment areas (in m) 1000
- Local, size threshold 0.04ha, catchment areas (in m) 200
- Doorstep, size threshold 0.01ha, catchment areas (in m) 100.

The map extracts below show provision for both doorstep play and local greenspace within the locality of Boycott Road. The area is not well served with open space. Access to both doorstep play and greenspace close to home is supported by the provision of Boycott Road when considering access thresholds of between 5 and 15 minutes, showing the importance of the site for this purpose as there are existing gaps in provision particularly for doorstep play access. With the removal of public access to the site this will be exacerbated.





The loss of Boycott Road open space is therefore considered not to be surplus to requirement and the accepted quantitative standards and is therefore seen to be contrary to the NPPF paragraph 104 and CS Policy OS3.

**Allotments:** Allotments are described as being part of the wider green space within the Open Space Assessment and Strategy recognising that they have limited access to the wider community. As such the Open Space Assessment and Strategy use the national standard of provision for allotments (National Society of Allotment and Leisure Gardeners). For the Hereford Area there is a slight under-provision using this standard but in recognising little data was captured at the time of writing the strategy the Open Space Assessment and Strategy recommended that a full review of allotment demand is undertaken via the planning system.

The applicant has not submitted information to support the requirements for 20 additional allotments in the Hereford Area or provided information in support of the loss of Boycott Road as open space.

This should include evidence for the need for allotments within the Hereford area, including details of existing deficiencies e.g. no. of allotments required to accommodate waiting lists and evidence to support that other sites have been explored and discounted. Given that this is a loss of accessible open space, the applicant will need to undertake a consultation with the local community and those who use the site to demonstrate that the use of the site as open space is surplus to requirement.

As such the applicant has not demonstrated the loss of Boycott Road Open space will result in an equally beneficial replacement or enhanced existing facility for the local community. It is therefore seen to be contrary to the NPPF paragraph 104 and CS policy OS3

**Conclusion:** The application is not supported. As presented it does not accord with both the NPPF paragraph 104 and Core Strategy Policy OS3.

Boycott Road open space provides an important accessible doorstep green space for children in an area not well provided for. It is not surplus to requirement in accordance with applicable standards and the applicant has not demonstrated that the proposal will result in an equally beneficial replacement for the local community.

#### 4.4.5 Original comments 10 April 2025 – Support

This application is for proposed improvements to vehicular access arrangements and provision of ancillary facilities to facilitate the use of the open space as allotments. The open space has secured a planning certificate of lawfulness for the use of the open space as allotments granted by the LPA.

My comments therefore relate only to the impact of the proposed vehicular access arrangements and ancillary facilities to the open space in support of the use as allotments. The Open Space Assessment 2023 classifies Open Space Typology according to the function of the open space and includes allotments as a typology. The GBI Strategy also recognises that allotments form part of the wider GBI multifunctional and varied network providing benefits to health and well-being including food production. The Open Space Assessment 2023 concludes that there is an overall under-provision of allotments within the county.

The proposal is supported by Core Strategy Policies SC1 and OS2 and associated evidence bases detailed above. Open space plays an important role in supporting the health and wellbeing of local communities and the proposal will enhance a locally available community facility through improved accessibility and access and provision of compostable and waterless toilet.

In conclusion, there are identified shortfalls in the provision of allotments in the county and in accordance with Core Strategy policy the proposed access will support the deliverability and long-term sustainability of the allotments to the benefit of the health and well-being of the community and for those wishing to grow their own food.

## 5. Representations

### 5.1 Hereford City Council – 27 January 2026 – Objection

Councillors object to this application based on the fact that it contributes to a loss of open space. Having heard concerns from members of the public, Councillors concluded that the area should remain a green space for all to use. In specific regards to this application, which deals with access only, Councillors also object to the car turning area, which is large enough to constitute a car park. Although not its intended purpose, Councillors foresaw that this area would be used to park cars, intruding upon nearby residents. Councillors were also surprised that this application was dealing with access when we have not yet been consulted on a change of use application for this area – it was concluded that the application has been made prematurely. Hereford City Council was also consulted by concerned members of the public who objected to the application.

### Third party representations

5.2 A total of 34 representations have been made to the Local Planning Authority, 29 have been in objection, 2 letters of support and 3 general comments.

The responses can be summarised as follows:

#### Objection

- Loss of a play area and public open space
- The open space is not surplus to requirement
- Green space and play areas are vital to children's development
- Clinical Lead in Community Paediatrics at the Child Development Centre raises concerns over the permanent loss of the public play area
- The proposal would be in conflict with Natural England's Access standards relating to 'doorstep green space' which aims to ensure easy, immediate access to a piece of nature for daily use, including play.
- Site should be shared as allotments and open space
- Access is already difficult from adjacent Child Development Centre
- Lack of parking proposed for allotment users
- The site access track is not sufficient to provide a safe vehicular route nor facility for construction traffic

- The proposal would have a negative impact on wildlife and biodiversity

### Support

- Gardens backing onto the application site have experience vandalism
- The walkway to the rear of the Child Development Centre from Southgate Court to this land has been fenced off due to vandalism to properties
- Area has experienced anti-social behaviour
- There are other play areas within walking distance

### 5.3 Play England – 30 May 2025 – Objection

Play England submits this formal objection to planning application P243167/F. The proposal seeks to remove a longstanding public play space and convert it into private allotments, without any replacement or mitigation. This is inconsistent with national planning policy, results in the loss of vital community infrastructure, and fails to consider the impact on children and families. We urge Herefordshire Council to refuse this application in full.

1. Conflict with National Planning Policy Framework (NPPF) – Paragraph 104 Paragraph 104 of the National Planning Policy Framework (NPPF), revised in December 2024, states:

“Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space to be surplus to requirements; or
- the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.”

This application fails both tests:

- There is no assessment showing the site is surplus to requirements.
- There is no proposed replacement play space.

On this basis alone, the proposal is in direct conflict with national planning policy and should be refused.

### 2. Loss of Public Open Space and Community Amenity

Redhill Green is a well-used, free-to-access, inclusive community play space. Its proximity to a Child Development Centre and a primary school makes it especially valuable as a safe, local environment for outdoor play and social connection.

The proposed change of use would:

- Remove a key public amenity
- Reduce opportunities for physical activity and social interaction for children
- Replace inclusive public use with exclusive, adult-only use

Herefordshire Council’s planning guidance confirms that the loss of public open space and community infrastructure is a material planning consideration. This proposal would cause clear harm to community amenity.

### 3. Failure to Justify Alternative Use or Need

The applicant has not provided:

- Any assessment of existing play provision or need in the local area
- Any evidence of demand for additional allotments in this specific location
- Any consideration of alternative sites or options

As a result, the application lacks a clear or credible justification. It does not demonstrate that the proposed use is more necessary, appropriate, or beneficial than retaining the current use as a children's play space.

#### 4. Impact on Children and Equalities Considerations

The loss of a local play space would disproportionately affect:

- Children and families without access to private outdoor space
- Children with disabilities or additional needs, who rely on familiar and accessible environments
- Households with limited access to transport, who cannot easily reach more distant facilities

Under the Equality Act 2010, the Children and Families Act 2014, and the Public Sector Equality Duty (PSED), the Council is required to consider the needs of people with protected characteristics — including children and disabled people. These duties include promoting equality of opportunity and fostering inclusive environments. This application fails to consider those impacts and proposes no mitigating action.

#### 5. Absence of Child Rights Impact Assessment (CRIA)

The removal of a play area is a decision that directly affects children's lives and wellbeing. Under Article 3 of the United Nations Convention on the Rights of the Child (UNCRC), the best interests of the child must be a primary consideration in all decisions that affect them. While not a statutory requirement, conducting a Child Rights Impact Assessment (CRIA) is recognised as best practice in decisions that restrict or remove play opportunities.

No such assessment has been undertaken. Given the site's proximity to children's services and the established use of the space, this is a significant omission. Play England recommends that a CRIA be completed before any planning decision is made.

#### 6. Strategic Context – National Policy Alignment

Play England's national strategy, *It All Starts with Play! (2025–2035)*, sets a clear objective: To restore a play-based childhood for all children in England by 2035.

Achieving this requires councils to:

- Safeguard existing play spaces
- Prioritise play infrastructure in planning decisions
- Embed play provision near homes, schools, and early years settings

This application undermines all three goals. Closing a play area next to a school and Child Development Centre — with no replacement — contradicts both best practice and national direction.

#### 7. Unacceptable Policy Precedent

Approving this application would set a concerning precedent:

- That public play spaces can be removed without assessment, consultation, or replacement
- That private benefit outweighs public value
- That children's spaces are negotiableIt would weaken the Council's ability to defend other open spaces from similar pressures and erode community confidence in planning decisions.

#### 8. Lack of Mitigation or Replacement Provision

The application does not include:

- Any proposed alternative play area
- Any enhancements to existing provision
- Any commitment to reinvest in children's infrastructure

This is a clear failure to meet the requirements of NPPF paragraph 104(b) and further reinforces the case for refusal.

## Conclusion

This application proposes the permanent loss of a longstanding community play space that:

- Serves children and families daily
- Lies adjacent to schools and early years settings
- Has not been assessed as surplus
- Has no proposed replacement

It conflicts with national planning policy, equality legislation, and local community need. The removal of Redhill Green would cause real, lasting harm to public health, children's wellbeing, and social inclusion.

Play England respectfully urges Herefordshire Council to refuse planning application P243167/F.

### 5.4 Herefordshire Wildlife Trust – 15 April 2025 – General comment

It has been drawn to the attention of the City Branch of the Herefordshire Wildlife Trust that submissions are being sought regarding the development of Redhill Green as an allotment site (planning permission for this already granted).

One of the guiding lights of the Wildlife Trust is to improve biodiversity throughout our urban area, and the development of the allotment site (under the aegis of The Hereford Allotment and Leisure Gardeners Society) is a real opportunity to work towards that end. We strongly support proposals to limit car use to drop off with no car parking on the site, to ban the use of pesticides, promote nature friendly gardening practices including the provision of hedgehog routes and planting insect friendly wildflower areas, for example.

We understand there has been an offer made to the Child Development Clinic – which is located next to the site - to take over some space there, to which there has been no reply. However, we hope that with the offer of help and support from the City Branch to create a lovely allotment green space, the CDC will be encouraged to take up the offer. Given the paucity of outdoor play spaces for children, and the benefits for children of outdoor play and growing things, we would encourage HALGS to repeat their offer of space to the Child Development Clinic and hope that HALGS and the CDC can come to an agreement.

### 5.5 **Open Spaces Society**

#### Latest comments 24 January 2026 – Objection

The readers attention is directed towards the previous Open Spaces Society response made on 3rd December 2025. On a further more detailed examination of the lodged application 243167 the following comments are now made.

- The applicant did not seek pre-application advice.
- The applicant affirmed that the change of use had not been completed.
- The applicant affirmed use of the site as a Recreational Play Area F2.
- Item 25 on the application, Certificate of Ownership Certificate B , only has one redacted name on it. There are a minimum of three landholders who should have received notices from HALG (details provided)
- The amended plans supplied with the application do not appear to conform to Government advice on Plans and Drawings. <https://www.gov.uk/guidance/>

The applicants do not appear to have served notices on every Landholder affected by the proposed development. This may include a Landholder who previously objected to this development and whose expressed permission for vehicular access would now be required.

All of the above are material considerations. Given the failure of this application to comply with Core Strategy OS3 and NPPF para 104, refusal of this application is strongly recommended.

#### Original comments 3 December 2025 – Objection

##### Background

The previous planning applications are a material consideration in order to understand the full implications of application 243167/F. In April 2023 application 231150 was made for a change of use of the land from play area open space, to allotments. This application was met with considerable opposition, including planning officer objections, which indicated that the proposal was contrary to planning policies. The application was subsequently withdrawn. A second application was made in July 2024 for a Lawful Development Certificate with a plan showing 24 proposed allotments on the site. This application was successful and a Lawful Development Certificate was granted.

Application 243167 for access arrangements made in December 2024, if successful may result in the loss of a public open space and designated play area.

##### Current Planning Status of the Land.

In the Herefordshire Local Plan 2021-2041 Map, the land is shown, and very clearly designated as a play space. Despite the previous planning applications, I would contend that the planning status of the land in question is that of a public open space, play area. This has not been changed. The established use of the area as a Play Area /Open Space has not been abandoned. The erection of movable fences and a usable pedestrian gate by HALG, does not constitute established allotment use. There is no current cultivation or allocation of working allotments or building of ancillary buildings. In planning terms the land remains a Public Open Space /Play Area. Finally the planning status of the land is not changed by the granting of a Lawful Development Certificate.

##### Applicable Policies and Requirements

Core Strategy OS3. The existing open spaces /play area provision is not considered surplus to requirements, and therefore should not be eligible for a change.

Both the NPPF paragraph 104 and CS policy OS3 requires proposals that result in the loss of open space, sports or recreation facilities to:

- Provide clear evidence that the open space, sports or recreation facilities is surplus to the applicable quantitative standards
- The loss of open space, sports or recreation facilities results in an equally beneficial replacement or enhanced existing facility for the local community.

Neither of these two crucial requirements have been met by HALG or Connexus.

The proposal 243167 is therefore objected to.

## 5.6 **Petition**

The Local Planning Authority is also aware of a local petition on change.org to retain the application site as an open space and play area. At the point of writing this report the petition had 746 signatures.

- 5.7 The consultation responses can be viewed on the Council's website by using the following link: [Planning Application Details - Herefordshire Council](#)

## 6. Officer's Appraisal

### *Policy context and Principle of Development*

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:  
*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 34 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and was updated in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.
- 6.4 As an initial important procedural matter, it is advised that a Certificate of Lawfulness for the use of the land as allotments was granted in respect of the application site under planning reference P241928/V. For the avoidance of any doubt, it is a matter of fact that the use of the land as allotments, which is defined as an agricultural use, does not constitute development. As such the allotment use does not require planning permission and does not form part of this application. It is however, a material consideration which in the context of this application is considered to carry significant weight.
- 6.5 Following submission of the current application, the agent confirmed by email dated 17 November 2025 that the approved use has been implemented through the commencement of the preparation of the ground for allotment use, marking out on site and with three plots completed for working use. These works illustrated in the photographs below.



- 6.6 In light of the lawful status of the allotment use, it is important to set out in clear terms that the assessment of this application is limited to the proposed improvements to vehicular access arrangements to facilitate the lawful use of land as allotments and ancillary works to include signs, sheds and a composting toilet.

### *Loss of Open Space*

- 6.7 As stated above the lawful and current use of the site is as allotments and not open space/ play area. In this regard, whilst the many concerns regarding the loss of the existing recreational open

space identified in the representations section above are acknowledged and understood, there is no mechanism within the Planning legislation to prevent the continued allotment use of the larger part of the site and no means by which the Council can enforce public access to the area. This is essentially a matter within the control of the existing landowners, Connexus. Whilst the use of the land is not under consideration, permission is however required to provide ancillary facilities and access improvements. For ease, an extract of the Block Plan is (2501\_001 (B) is inserted below. The allotments areas is number 7 on this plan.



- 6.8 As set out above, many of the objections reference the loss of open space, however, it must be stressed that these relate to a former use of the site and the Local Planning Authority is unable to attribute weight to its historic use in the determination of the application.
- 6.9 Similarly, a number of representations express a preference for the entire site to be retained as open space. Again it must be stressed that the Council is no longer the landowner, and it is not within the remit of the Local Planning Authority to require the landowner to retain or make the land publicly accessible. Clearly this is a source of great concern for many of those who have used the land for its originally intended purpose and who continue to campaign strongly for its continued use. But this is beyond the control of the Council and in its role as the Local Planning Authority.
- 6.10 Although, the policy implications of the loss of recreational open space, are controlled through the implementation of CS policy OS3, this can only be exercised where there is a form of development that results in its loss. In this case, the loss of publicly accessible open space across the vast majority of the site is outside of the control of the Local Planning Authority and your officers view is that in the circumstances of this case, the application of CS policy OS3 cannot be exercised in the same way as if permission was required for the change of use of the whole site. That is not the case and in this context and Officers accept that since the retention of the recreational open space is not possible through Planning controls, providing ancillary facilities for the lawful allotment use of the site, which in itself is a form of open space with community value, is a reasonable expectation.
- 6.11 Furthermore, although not a policy requirement, in response to the concerns raised, the application has been amended to retain an area as open space. Although the Council's Open Spaces Planning Officer objects to the wider loss of recreation open space she supports the inclusion of the publicly accessible space. However, the Officer advises that the proposal must be of a high quality and clearly demonstrate that it provides benefits equivalent to those of the

substantially larger existing area. The application does not include sufficient detail regarding the size of the proposed space or its design and layout, such as the nature of planting, landscaping, or any facilities to be provided (other than a bench), in order to evidence enhancement. The Open Space Planning Officer concludes that the proposed area appears to be very small and of limited recreational value, and advises that a management agreement would be required as part of any planning permission to ensure the space is retained and maintained in perpetuity.

- 6.12 In response to the concerns raised in relation to the quality of the open space being offered, the applicant has clarified that no ball games or other similar recreational use will be allowed because HALGS carries insurance for allotments only. The Open Space Planning Officer objects to this and states the open space should provide recreation opportunities for families and children and not be restrictive in order to be compliant with CS policy OS3.
- 6.13 Nevertheless, it remains the case, that the applicant is under no obligation to retain any element of open space. Its inclusion has been advanced as a benefit for users and in response to objections raised in relation to the proposal.

*Design, appearance and character of the area*

- 6.14 With regards to the design, Core Strategy policy SD1 is applicable. This states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions, and massing of surrounding development. Furthermore, with regards to landscape impacts policy LD1 applies. This policy explains how development proposals should demonstrate that the character of the landscape has influenced the design, scale, nature and site selection, and should also include new landscaping schemes to ensure development integrates appropriately into its surroundings.
- 6.15 The design of the proposed composting toilet and the typical garden shed elevations are consistent with what would ordinarily be expected on an allotment site and would not be considered out of character within the surrounding area. The design and materiality of the access track are likewise considered appropriate to its intended use and context.

*Access and highways safety*

- 6.16 Policy MT1 of the development proposals should incorporate the following principle requirements covering movement and transportation demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.
- 6.17 Paragraph 116 of the NPPF reads that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 6.18 Concerns have been raised through representations regarding the potential highway impacts of the proposed development. The site would be accessed via the existing access onto Ross Road (A49), which currently serves a neighbouring dwelling and is used for the ongoing management and maintenance of the site.
- 6.19 The proposal comprises the excavation of the existing track and the formation of a turning circle, together with the installation of a Terram membrane and the laying of a Type 1 granular sub-base, to be compacted using a heavy roller. These measures are intended to ensure that mud and debris are not deposited onto the A49.

- 6.20 Additionally, signage is proposed to indicate that vehicles turning off the A49 onto the access track have priority. Vehicles already on the track would be required to reverse to the turning circle to allow safe access for incoming vehicles. The provision of the turning circle within the site would enable vehicles to manoeuvre effectively and exit in a forward gear.
- 6.21 No parking provision is proposed with the access limited to drop-off only. The allotments are intended to be offered to local residents, particularly those able to walk to the site or travel by sustainable modes of transport.
- 6.22 National Highways has been consulted and has raised no objection to the proposal, subject to the imposition of a condition requiring a Construction Traffic Management Plan. Similarly, the Council's Area Engineer has raised no objection. In light of the above, the proposal is considered to accord with Core Strategy Policy MT1 and the relevant provisions of the National Planning Policy Framework.

#### *Ecology and biodiversity*

- 6.23 Policy LD2 of the CS states that all development proposals should conserve, restore and enhance the counties biodiversity assets wherever possible. Amongst other things, this should be achieved through the retention and protection of nature conservation sites and habitats in accordance with their status. In relation to trees and green infrastructure. Policy LD3 of the CS requires that development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure such as trees, woodlands and hedgerows.
- 6.24 The application is supported by a Preliminary Ecological Appraisal & Biodiversity Net Gain Assessment by Sharpe Ecology Ltd dated February 2025. The report confirms that there are no identified effects on local protected species populations or ecological interests from the proposed development. The applicant should be reminded of their and their contractors' legal obligation to wildlife protection afforded at all times through the Wildlife and Countryside Act.

#### *Biodiversity Net Gain*

- 6.25 The requirement for qualifying developments to deliver a mandatory 10% net gain to biodiversity value relative to pre-development conditions came into force on 12th February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
- 6.26 The supplied information shows a 30.47% net gain in the habitat units (+0.31 habitat units), thereby satisfying the trading rules and exceeding the mandatory minimum 10% net gain. The approved net gain will be secured by imposed condition for the minimum 30 years. The Council's Ecologist has not raised any objection in this regard.

#### *Drainage and Habitat Regulations*

- 6.27 Policy SD4 of the CS aims to ensure wastewater treatment and river water quality is maintained or enhanced as a result of development proposals. Proposals should aim to achieve water efficiency and/or reduction in surface water discharge and where possible connect to the existing mains wastewater infrastructure. Proposals should specifically seek to maintain or improve the integrity of the River Wye SAC and its subsidiary drainage basin.
- 6.28 The application here proposes the creation of a composting and waterless toilet. Allotment holders will be resident within the city and so no additional Phosphate loading will be generated. As agreed with Natural England where applications do not create any additional, potentially self-contained residential or overnight accommodation or identified significant additional foul water flows and no other effects are identified they can be considered as screened out from triggering

any formal Habitat Regulations Assessment process. It is considered that there are no adverse effects on the integrity of the River Lugg (Wye) SAC from the proposed development.

*Other matters*

- 6.29 I note the representation submitted by the Open Spaces Society asserting that an incorrect ownership certificate has been served. The representation alleges that National Highways owns part of the access track; however, no supporting evidence has been provided to substantiate this claim.
- 6.30 Certificate B was served, and Connexus was listed. It is understood that the applicants engaged in pre-application discussions with National Highways who were also consulted as part of this application process. No concern was raised regarding potential encroachment onto land owned by National Highways and no comments or objections were received on this basis.
- 6.31 The red line boundary terminates prior to the footway crossing and does not extend onto the public highway or any land understood to be within the ownership of Herefordshire Council or National Highways. On the basis of the information submitted to and available to the Local Planning Authority, it is considered that the appropriate Certificate has been served.

*Conclusion*

- 6.32 The use of the land as allotments has been lawfully established under a Certificate of Lawfulness. Accordingly, the principle of allotment use is not under consideration. This application relates solely to access improvements and ancillary works to support that lawful use.
- 6.33 The proposed sheds, composting toilet and access works are modest in scale and appropriate to an allotment setting, with no unacceptable impact on character or appearance. No objections have been raised on highways grounds, subject to conditions, and the proposal complies with Policy MT1 and the National Planning Policy Framework. Ecological impacts have been satisfactorily addressed, with no identified harm to protected species or the River Lugg (Wye) SAC, and a biodiversity net gain can be secured by condition.
- 6.34 There are no other matters pertinent to the proposal which requires discussion or assessment and taking the above into account, it is considered that the proposal generally accords with the provisions of the Herefordshire Local Plan – Core Strategy together with the overarching aims and objectives of the National Planning Policy Framework. The application is accordingly recommended for approval subject to the conditions as set out below.

**RECOMMENDATION**

**That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

**That planning permission be granted subject to the following conditions:**

**1. Time Limit for Commencement**

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

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

**2. Development in accordance with approved plans**

The development hereby approved shall be carried out strictly in accordance with the following list of approved plans, except where otherwise stipulated by conditions attached to this permission:

- Location Plan rev. A 05/06/2025
- 2501\_001 rev (B)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, and the National Planning Policy Framework.

### **Pre-Commencement Conditions**

#### **3. Construction Traffic Management Plan**

Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A49 trunk road). The plan shall include as a minimum:

- a) Details of deliveries to site including times (to avoid the peak hours) and types of vehicles.
- b) Details of the equipment that will be used and location of the equipment and vehicles. To ensure that all plant, equipment and vehicles are accommodated within the site, with no parking, materials storage or loading/unloading taking place within the A49 Highway verge or direct accesses.
- c) Clear and detailed measures to prevent debris, mud, detritus and dust being distributed onto the Local highway and SRN. This should include details of wheel washing and dust monitoring.
- d) Waste management.
- e) Protection measures for hedgerows and grasslands.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Reason: To mitigate any adverse impact from the development on the A49 trunk road and to satisfy the reasonable requirements of road safety.

#### **4. Open Space details**

With the exception of any site clearance and groundwork no further development shall commence until detailed plans for the provision for open space shall be set out in accordance with the standards adopted by the local planning authority and shall be submitted to and approved in writing by the local planning authority. These details should include:

- a) Surfacing,
- b) Landscaping,
- c) Means of enclosure,
- d) Street furniture.

The open space shall be constructed in accordance with the approved plans and retained in perpetuity thereafter.

Reason: In order to comply with policies OS1 and OS2 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

**Pre-Occupancy Conditions**

**5. Management and Maintenance Details**

Before the development is first brought into use a schedule of management and maintenance of the open space shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.

Reason: In order to comply with policies OS1 and OS2 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

**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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

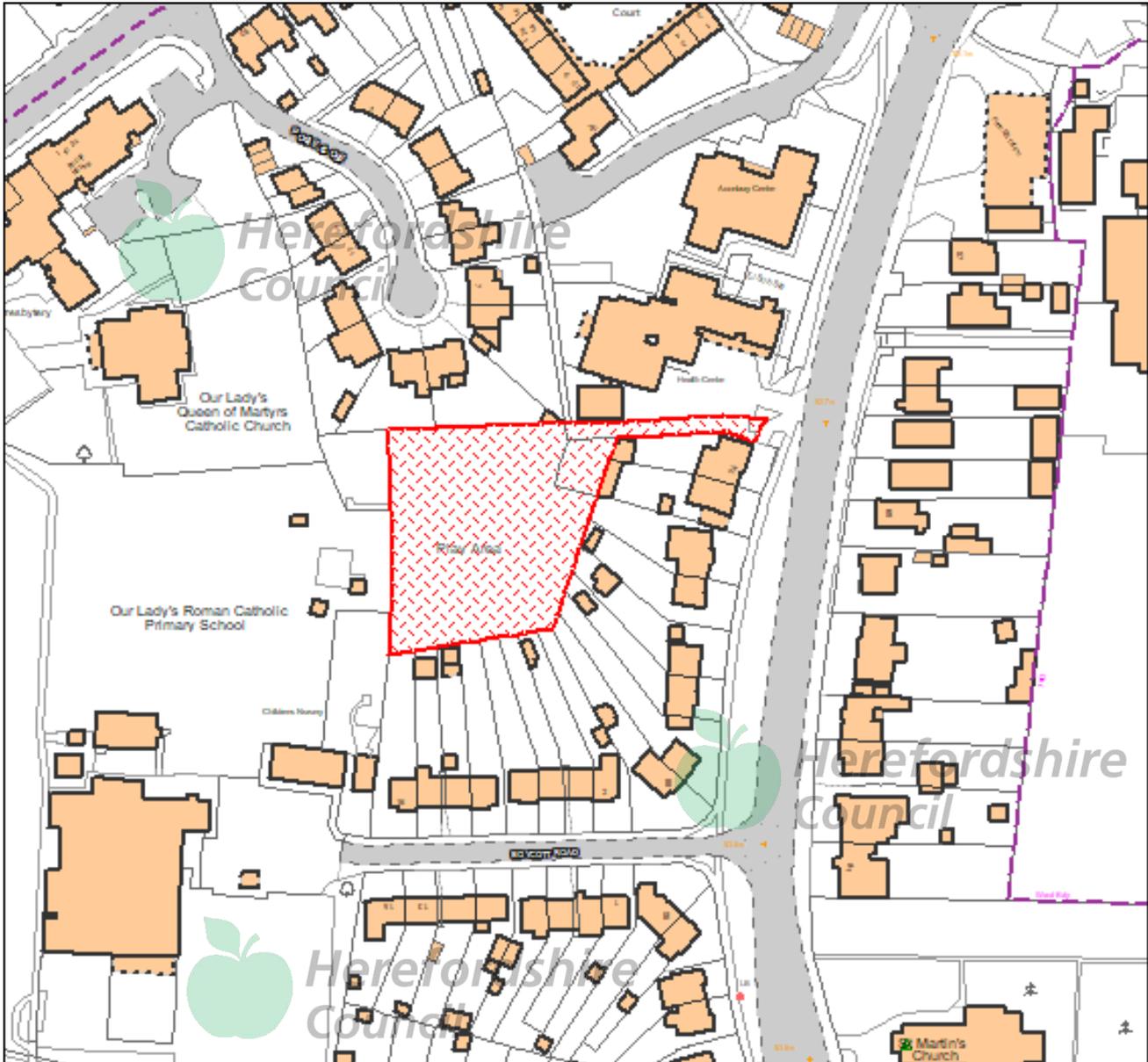
Decision: .....

Notes: .....

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**Background Papers**

None identified.



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**APPLICATION NO:** 243167

**SITE ADDRESS :** LAND TO THE REAR OF BOYCOTT ROAD, ROSS ROAD, HEREFORD, HR2 7RL

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