

PLANNING COMMITTEE

Date: 18 March 2026

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

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

ADDITIONAL REPRESENTATIONS

Following completion of the officer report for this agenda item, three additional representations have been received, two giving support to the application and one objecting to the application. Four further representations have been received from objectors, and another two objections have been withdrawn. All these representations can be found in full below and on the relevant application webpage.

New representation from Mrs E. Morris:

I would like to put forward my support for allotments to the rear of Boycott Road Hereford. I have lived at 9 Poole Close for nearly 30 years and can confirm that this land has not been used for nearly 15 years. A large proportion of my garden backs on to this land, we have suffered with vandalism, graffiti sprayed on my fence, bottles thrown over into my garden, teenagers climbing on to my shed, which now as a pensioner and living on my own is a growing concern.

Needles and broken bottles, tents and dogs have all littered this area. The play equipment was removed about 7 years ago, but even this did not deter the antisocial behaviour. When I reported the incidents to the police which they referred to as the 'Dark Park' as it is located up a narrow and hidden track. This does not make it a safe area for young children to play in.

There are many alternatives such as the Bishops Meadows and King George playing fields and a lovely play area at Oak Crescent, both a 5 minute walk away. Also 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 and the residents from No7 and No8 Poole Close pay Hereford City Council rent to maintain it.

New representation from Mr M Robinson:

My wife and I have a plot at the site, which has allowed us to give up two plots we previously rented at the HALGS Holmer Road site. Taking a plot at the Ross Road site means my wife and I no longer drive from our house in Ross Road across the city to the Holmer Road site (which we did at least 4 or 5 times a week most weeks). My wife and I now walk to the new site and rarely need to use our car. I understood that reducing car journeys and increasing the amount of walking are two policy aspirations of Herefordshire Council - having a site south of the River Wye (where HALGS only has two sites at present) assists these aspirations to be met. I know other plot holders walk to the site as well. The limited works for which permission is sought will facilitate the operation of the site at Ross Road.

I would also like to offer some observations, having reviewed the Herefordshire Council website for this application - and although I believe the question of lawful use has been settled by the Certificate of Lawfulness a number of my observations do relate to the question of lawful use. I would also draw attention to my comments at point 10 below regarding Hereford City Council;

1 The application site is referred to by objectors as Redhill Green - but it is not. Herefordshire Council maps and plans refer to the area as Blackmarstone; there does not seem to be a Redhill Green designated on any of these maps /plans. The application site does not appear on the Register of Common Land and Village Greens maintained by Herefordshire Council; nor has the application site been designated under the Herefordshire Local Plan as a Local Green Space.

2 The application site is said by objectors to be "publicly accessible open space " - it is not ; the application site was transferred to Herefordshire Housing Limited out of the ownership of Herefordshire Council by the LSVT in 2001/2002 and therefore stopped being publicly owned from that date and accessible by the public as a matter of right ; unless the LSVT documents imposed an obligation on Herefordshire Housing to maintain the application site as publicly accessible open space (whether as a play area, or for some other public purpose) or such an obligation was subsequently assumed to Herefordshire Council by Herefordshire Housing or its successor in title Connexus Homes Limited , then the application site is and remains privately owned land to which the public has no right of access or use and there is no obligation to provide or maintain the site for any particular use or purpose. A further pointer to this being so is that after 2018 Connexus Homes Limited sold off part of what was previously transferred under the LSVT to an adjoining homeowner without needing the consent of Herefordshire Council (this sale is a matter of record at H M Land Registry).

3 Use of the application site as allotments has been established as lawful by the Certificate of Lawfulness issued by Herefordshire Council ; that certificate is now unimpeachable and Section 192 (4) of the Town and Country Planning Act 1990 applies .Further, none of the objectors appear to refer to any case law or specific sections of legislation to support their argument that nevertheless an application for change of use is required and / or that the planning policies identified are engaged by the application for permission to carry out works.

4 It appears to be common ground between the applicant and the objectors that the play equipment was removed from the application site, during 2018 i.e. not just ceased to be maintained, but removed completely. I have lived on Ross Road since August 2016.I do not remember any campaign by any local groups (including the Friends of Redhill) for the owner (Herefordshire Housing / Connexus Homes) or Herefordshire Council to reinstate or re provide play equipment at the application site and maintain the site as a play area (or indeed maintain it for any other public purpose) eg public meetings, newspaper coverage, leafleting ,door to door canvassing ,petition, proposals for funding and maintenance etc .The evidence from Connexus Homes is that, instead, it received complaints about anti-social behaviour at the site . It is notable that the Friends of Redhill Green did not object to the applicant's previous application for full permission (ref P/231150/F).

5 I see on the web page for the application that the school adjoining the application site (Our Lady's) and the nearby Aconbury Centre both support use of the application site for allotments .Equally significant is the fact that there are no objections (either to the use of the application site as allotments nor to the present application for permission to carry out works) from the nearby Hinton Community Centre /St Martin's School /St Martin's Church (nor from any groups /organisations based in these buildings) nor from sports teams, youth clubs or youth groups, parents and toddlers groups , cubs /scouts / guides / brownies etc , nor from any other sort of community groups. The absence of objection from such groups and organisations points to the conclusion the local community does not use the application site at all or in the manner various of the objectors assert ie as a play or recreation area (ignoring

for the moment that there is in any event no right for the public to enter and use the application site for any purpose - see point 2 above).

6 Only 3 of the lay objections come from addresses within the HR2 7 postcode area - being the designated postcode area for the application site .Otherwise the objections come from addresses as far afield as Eaton Bishop, Llanwarne, Tarrington , Shucknall Hill , Upton Bishop , Peterchurch and elsewhere in the County or from areas within Hereford City which are outside the HR2 7 postcode designation ; few demonstrate a connection to the site ; there is a dearth of evidence in support of assertions the application site is a play area or publicly accessible open space / green space . The lay objections do not address the impact of the Certificate of Lawfulness.

7 Not only did the Friends of Redhill Green not object to the previous application for full permission but it appears only to have come into existence in Spring 2025 ; further, it is not possible to verify the nature of the organisation eg Registered Charity, Limited Company, Community Interest Company etc, nor its membership .The location of its membership is not disclosed but given my comments at 6 and the fact its spokesperson lives in Upton Bishop, it is unlikely to be a "local residents group " and so no weight should be given to their objections .

8 No weight should be given to the petition submitted by the Friends; as it is in electronic format it is not possible to verify the address of each signatory, nor their connection to the site nor the nature of their objection (so that it could be assessed by the LPA and replied to by the applicant, if thought appropriate).

9 The objection from Dr Arun at the Child Development Centre fails to address the effect of the Certificate of Lawfulness and appears to assume there is a right for the public /parents /children attending the Child Development Centre to enter and use the application site in the manner Dr Arun suggests happens or should happen. The letter also fails to demonstrate any agreement with Connexus Homes Limited permitting access and use in the manner suggested (or previously with Herefordshire Housing). The letter is not accompanied by any evidence (I have been visiting the application site four or five times a week (at least) since mid-November 2025 not only to set up and work our plot but also to check the site - the security fencing has been breached at least 5 times since it was put up and I have had to install measures to strengthen it; during my time on site I have never seen parents & children coming up the access lane with a view to entering the application site). Finally, the letter cannot be said to be an objection - whether to the works proposed or to use of the application site as allotments from those organisations within Herefordshire with the legal power and responsibility to commission the provision of Children's services (whether by way of SEND provision or otherwise). Such an objection would be expected were there an agreement for the Child Development Centre to use the site in the manner to which Dr Arun alludes or an established use by the Child Development Centre in that manner.

10 No weight can be given to the recommendation by Hereford City Council arising out of its meeting on 15th January 2026.The Planning Committee of Hereford City Council had already considered the current application at its meeting on 13th March 2025 when the note from that meeting records the Committee had " no objection in principle " to the application (as it then stood) and further recognised there was an established lawful use of the land (ie the application site) as allotments .The recommendation from this meeting was considered by the City Council Planning Committee at its meeting on 10th April 2025 when the minute was approved (as correct and accurate) and authorised to be forwarded to Herefordshire Council. The City Council has been unable to confirm if and when the 13th March 2025 recommendation was communicated to Herefordshire Council, but it is not among the list of representations relating to this application appearing on the planning website for this application. Having come to its recommendation on 13th March 2025 the City Council Planning Committee was "functus officio " the present application as it stood at 13th March 2025 and was not, as a matter of law , entitled to change its recommendation. I attended the meeting of the City Council Planning Committee on 15th January 2026 , as an observer and

there were a number of irregularities in its proceedings, which affects the recommendation noted as made - firstly, without a resolution before it authorising it to do so, and without taking legal advice on whether it had the power to do so, the Planning Committee proceeded to reconsider the present application afresh, rather than confine itself to the matters arising from the amended plans ; secondly, neither the officer in attendance nor the Councillor present who the minutes recorded had also attended the 15th March 2025 meeting reminded the Committee of its previous recommendation; thirdly, again without taking legal advice first , the Committee accepted a submission from a member of the public present about the effect in law of the Certificate of Lawfulness; fourthly, the Committee considered (as the note shows) matters relating to highways and access but these did not arise from the amended plans and the Committee did not take into account the comments received from National Highways and the Local Area Highway Engineer; fifthly, the Committee did not consider (as is evident from the note) the amended plans; finally, two of the Councillors part way through the meeting revealed they hold allotment plots (one being with HALGS), which of course would give rise to a conflict of interest such that both Councillors should have withdrawn from the meeting at its outset and not participated further, meaning the meeting would have been inquorate and not able to proceed to deal with the application. As a result of these various irregularities I have been in communication with the Mayor and the Town Clerk and I also attended the meeting of the Planning Committee on 12th February at which I made representations to the Committee about the above points. As a result the Planning Committee agreed to take legal advice about its ability , as a matter of law , to proceed on the 15th January 2026 in the manner it did and the steps it should take to resolve the situation that currently prevails - namely the existence of two apparently conflicting decisions about the current application and the failure of the Committee to consider and come to a recommendation on the amended plans (and matters arising from those plans).

I trust the above points can be taken into account in considering the current application P 243167/ F

New representation from Mr S. Vaughan:

I've just read the officer's report for the above planning application that goes to committee on March 18th. I am very disappointed to the total lack of acknowledgement that I have 3 access points onto the lane and for information, any new signage does not apply to me. Having vehicles use the lane to access the allotments is going to be an absolute safety nightmare.

I am not against the allotment use or the provision of sheds and a composting w.c, but I am objecting to the intensification of the lane purely on safety grounds. The e-mail I sent to the case officer for the withdrawn application has not been taken into account of. My concerns, all on safety grounds, and outlaid to you when we met are:

In no particular order.

1. Use of the sliding gate & reversing back down the lane on to the A49. The proposed give way signs to vehicles coming up the lane do not apply to me. Upon me leaving 'the patch' (the bit of land I purchased from Herefordshire Housing), the approaching vehicles will have to reverse back down the lane onto the horrendously busy A49. If there are two lanes of stationary traffic, where is that vehicle going to go, so I can patiently wait to be let out? I have every chance of being made late for meetings and appointments. What happens if there are already too many vehicles in the turning area when there is an approaching vehicle coming up the lane? What happens if at the same time, I am leaving 'the patch'? A similar issue is present for my front drive access. What about public users of the footpath that crosses the access?
2. Other members of the family returning from work/ shopping/ social events. This could be in addition to the above. They would be holding up the south bound traffic (heading to Ross on Wye) while any reversing vehicle tries to join the A49. This is at

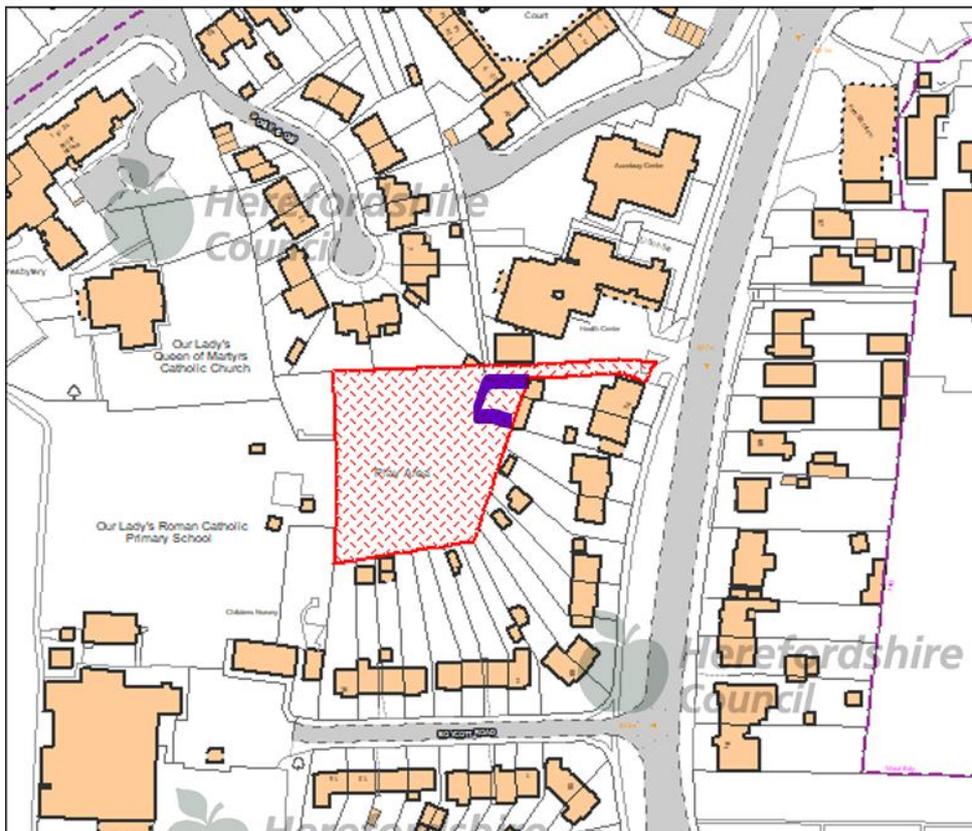
the same time that vehicles could be trying to enter or leave the Child Development Centre. Pure chaos.

3. My pedestrian access gate. I can't see through the gate, so don't know if there are vehicles on the lane. I wear earbud headphones while walking my dog. I could quite easily and unknowingly open the gate onto a car, or a car could run into the gate, thus slamming the gate into me or my dog, or my dog could be first through the gate and end up in front of a vehicle travelling either up or down the lane. Dangerous and potentially fatal.
4. There are huge safety issues for the child development centre when their patients (parents with children) are using the lane. I've seen on many occasions when a vehicle in the CDC car park reverses so their boot is overhanging the lane. The parents then begin to unload/load pushchairs from the boot, often while allowing the child to stand on the lane (they are not always standing still but often running around like children do).

It's utter chaos sometimes at the junction of the lane & CDC with the A49 trunk road. Visitors to the CDC often park on the verge, blocking the visibility to the south when leaving the car park. We often struggle to reverse park on our drive due to vehicles parking on the space adjacent to the A49. We cannot drive onto our driveway, we have to reverse. If we drove onto the driveway, we couldn't easily reverse off to head north into the city and we would cause chaos when trying to.

I have attached a copy of an e-mail I first wrote for the original allotments application that was withdrawn. I can't track down the original e-mail, so I don't know what has been redacted.

Also, this map that is in the report is incorrect because it includes the small piece of land and is labelled Play Area. I actually have a change of use planning approval which means the small area is domestic curtilage - highlighted purple.



Further representation from Miss L. Michael:

*Proposed Permanent Loss of Play Area next to The Child Development Centre, HR2 7RL
Planning Application: 234167*

Dear Councillors,

We wish to communicate that the approval of this planning application would constitute the permanent loss of a long standing Play Area and Open Space.

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.

The Play Area is immediately adjacent to four educational settings, including settings which offer provision for children with SEND and vulnerable children.

It is in an area of Hereford underprovided for, both in terms of Play Provision and Open Space, as detailed in Herefordshire Council's 'Open Spaces Assessment 2023', and specifically in relation to this application, by Herefordshire Council's Open Spaces Planning Officer.

The planning application does not accord with both local and national policies. In particular paragraph 104 of the National Planning Policy Framework (NPPF) and Herefordshire Core Strategy Policy Open Space 3 (OS 3) relating to loss of Open Space.

It does not accord with Green Infrastructure Standards.

A Child Friendly Herefordshire

Much has been said in recent months about Herefordshire Council's commitment to becoming a 'Child Friendly Herefordshire' and on Friday 6th March 2026 Herefordshire Council's 'Child Friendly Herefordshire's Partnership Strategy' was launched.

[Partners unite to support launch of Child Friendly Herefordshire - Herefordshire Council](#)

Tina Russell also spoke at the launch event:

"Child Friendly Herefordshire means approaching all we do in a child centred way, seeking out the views of children and young people, listening to them, and making plans and decisions that help keep them happy, healthy and safe, now and in the future."

Cllr Ivan Powell, Cabinet Member for Children and Young People, added:

"The launch of Child Friendly Herefordshire is a significant step forward in our shared commitment to giving every child the best possible start in life. Together, we are creating a county where every child feels safe, heard and supported."

In the Partnership Vision for Children and Young People, attached, the vision aims for children to have access to:

".. good quality play facilities play facilities that enable them to thrive in their physical, emotional, intellectual and social development as they grow up to be young adults"

In relation to this planning application:

- the voices of children have not been heard about a decision which impacts upon their health and wellbeing into the future.*
- It would remove a vital community play provision next to Hereford's Child Development Centre and next to Early Years Provisions.*

In relation to this theme, attached are Play England's Objection to this application and concerns voiced by Dr Arun (Clinical Lead for Community Paediatrics) about the loss of Play Provision next to The Child Development Centre.

The Play Area is immediate proximity to four different educational settings:

- *The Child Development Centre,*
- *Our Ladies Catholic Primary School,*
- *The Aconbury Centre*
- *St. Martins Primary School.*

Some of these settings offer specific provision for both children with SEND and for vulnerable children.

Play is essential for happy, healthy, capable and resilient children.

Could Councillors consider the question:

Does this approving this application support a Child Friendly Herefordshire?

Petition

Friends of Redhill Green Play Area have an online petition that calls for protection of Play Provision at this location.

The petition calls for multi-functional use of the site, and a model that could incorporate allotments but importantly protects a significant area for the vital activity of Play, areas for biodiversity and for the accessible areas for the wider local community.

The petition has reached over 750 signatures:

Petition link: [Petition · Save Redhill Green, treasured Hereford Play Area - Hereford, United Kingdom · Change.org](#)

Friends of Redhill Green Play Area recognise and value the many benefits that allotments can bring, including well-being benefits, health benefits and environmental benefits among others, they are not 'allotment objectors' – they are opposed to the permanent loss of a longstanding play area and public open space, with no mitigation or replacement.

The proposal is 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.

The importance of Play

Play is fundamental for children's healthy development and wellbeing; outdoor play is associated with particular benefits. These include access to fresh air, opportunities for social and physical development and improvements to overall health and mental well-being. Through play children develop social, physical and cognitive skills, creativity, cultural awareness and resilience. They learn to manage and benefit from risks, make decisions and develop their identities. Play is essential for happy, healthy, capable and resilient children.

Play is so important that it has been recognised as a human right. The United Nations Convention of the Rights of the Child (UNCRC) declared that the right to play was a critical human right -Article 31 (leisure, play and culture) states;

"Every child has the right to relax, play and take part in a wide range of cultural and artistic activities."

National Play Day 2025

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 of play. Everyone had a wonderful time, connecting socially as families, the children enjoyed playing and the adults enjoyed the sanctuary in nature, walking around and playing with the children.

Well-being sessions

The site provides a peaceful sanctuary in nature away from the busy A49 just moments away.

Regular well being sessions for the staff at the nearby Child Development Centre and Childrens' Community Nurses base have been held at the open space. The well being sessions have been run in collaboration with the Nature Connectedness programme. They have provided opportunities for physical exercise, mental well being and social connection for local workers.

Protection for Play spaces

Following sustained lobbying by Play England and others, formal play spaces now have new protection under the National Planning Policy Framework (NPPF) as of December 2024.

The amendment appears under Section 8: Promoting Healthy and Safe Communities, specifically in Paragraph 104 (formerly Paragraph 103 in the December 2023 NPPF). This revision underscores the Government's growing recognition of the importance of protecting, enhancing and providing spaces to play.

The new NPPF wording specifically states that existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless certain strict criteria are met. This includes ensuring that the space is clearly surplus to requirements. This play area is recognised by Herefordshire Council as not surplus to requirements.

The amended plans for this application show a very small area being described as 'Open Space' in which play will be prohibited.

Local and National Policies

This Planning Application does not accord with National Planning Policy Framework (NPPF) paragraph 104 and Core Strategy OS 3, as assessed by Herefordshire Council's Open Spaces Planning Officer. NPPF paragraph 104:

Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, 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;*

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.

Core Strategy Policy OS3 –

Loss of open space, sports or recreation facilities

In determining the appropriateness of proposals which results in the loss of an open space, sports or recreation facility, the following principles will be taken into account:

- 1. clear evidence that the open space, sports or recreation facility is surplus to the applicable quantitative standard;*

2. the loss of the open space, sports or recreation facility results in an equally beneficial replacement or enhanced existing facility for the local community.

Local Consultation

No formal consultation with local residents, families and members of the local community has been carried out by either HALGs or Connexus.

Friends of Redhill Green Play Area have set up an online survey to gather views about what people, including children and teenagers, would like to see at the Play Area.

47 responses have been collected and the results can be seen here:

https://www.surveymonkey.com/results/SM-W3_2FQELAICW5nJJolbd7n1w_3D_3D/

(Password attached)

Overwhelmingly people would like to see the Play Area remain open with improved facilities. Funding for improving Play Areas and Community spaces could be available through the 20 million 'Pride in Place' Government funding being allocated to South Hereford.

Chronology of events:

Date	Event	Comments	Status of the land
May 2023	Application for change of use from Play Area (Class F2) into allotments (P231150/F)	Strong local objection Planning Officer Objection City Council Objection Application withdrawn	Play Area/ Open Space
August 2024	Application for a Lawful Development Certificate for a proposed use of land as allotments (P241928/V)	Members of the public are not able to comment on decisions for Lawful Development Certificate Approved	Play Area/ Open Space
December 2024	Current application submitted	The application, if approved would constitute permanent loss of a play area and public open space –includes locked gate at the boundary. -First opportunity for members of the public to comment on the proposed loss of open space	Play Area/ Open Space
February 2025	Current application published		Play Area/ Open Space
July 2025	Confirmation that Lawful Development	While a certificate of lawfulness (planning	Play Area/ Open Space

	<i>Certificate does not constitute change of use.</i>	<i>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.</i>	
<i>February 2025- November 2025</i>	<i>Numerous objections individuals also objections from: Play England and Herefordshire Council Open Spaces Officer.</i>	<i>Existing and established an existing use remained as Open Space</i>	<i>Play Area/ Open Space</i>
<i>Mid November 2025</i>	<i>Play Area fenced off by HALGS, ahead of planning permission (including arrangements to restrict public access) being granted</i>	<i>Continued regular use of the site for play and recreation – the existing and established use of the site had not been abandoned.</i>	<i>(Fenced off) Planning Class use remains F2(c) Local Community Use</i>
<i>March 2026</i>	<i>Planning Committee meeting</i>	<i>Established use of the site for play and recreation has not been abandoned</i>	<i>(Fenced off) Planning Class use remains F2(c) Local Community Use</i>

For 10 of the months that this Planning Application has been live, between February 2025 and November 2025, the play area remained clearly public open space, with no fencing or restrictions on access.

It was confirmed by the Local Planning Authority that: 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 site has been managed as a Play Area/ Green Open Space by the Housing Association for 23 years. Prior to this it was managed as a public play area and open space for several decades by the Local Authority..

It has been a Play Area and public open space for over 50 years, it is used and valued by the local community. This application clearly constitutes a loss of public open space.

It is believed that representations relating to loss of public open space should not be discounted, as they remain relevant.

The Lawful Development Certificate is not being disputed.

Allotments, play opportunities and public open space do not need to be mutually exclusive, with a co-operative and collaborative approach it would be possible for meaningful areas for each to co-exist within the site.

It is clear that the Application involves excluding members of the public from the existing open space. This is true regardless of the position taken by the Council as to the baseline. There is clearly nothing which prevents lawful allotment use co-existing with an open space use and indeed it is easy to imagine members of the public walking and recreating and children playing in the space whilst allotment use is also ongoing. The effect of the Application is therefore not to establish the lawful allotment use, but to permit development to exclude the public from the site. The applicant has provided no evidence or even any compelling rationale why this is necessary to facilitate its use as allotments. As regards the 2.4-meter-high gate, this will clearly restrict access to the Land, contrary to its established use as open space, and would be contrary to the development plan.

Green Infrastructure standards detail that changes to urban open spaces should be multifunctional, accessible and inclusive, which this model of allotments will not be.

There are many other examples nationally of allotment sites, where a creative, collaborative and community focussed approaches have been taken to allow meaningful areas for public access and enjoyment and allotments to co-exist within a site.

The area of publicly accessible open space that is to be retained at the site, we believe should be a meaningful and welcoming community space, where children can play, that adults can enjoy and nature can thrive.

Summary

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 and local planning policy, results in the loss of vital community infrastructure, and fails to consider the impact on children and families.

The planning application does not accord with both local and national policies.

Does this approving this application support a Child Friendly Herefordshire?

It is hoped that Councillors will consider the information provided when considering this planning application.

The email also contained several attachments which can be found on the relevant page of the Council's website, these are:

- A copy of Play England's objection
- A copy of Dr. S. Arun representation
- A copy of Open Spaces June 2023 objection
- A copy of Open Spaces July 2025 objection
- A copy of Mr P Lyons (R Buxton Solicitors) on behalf of Friends of Redhill Green objection
- Children and Young People's Strategic Partnership Vision (found at Appendix 1)

Further representation from Richard Buxton Solicitors on behalf of Friends of Redhill Green:

Dear Council

RE: Access arrangements and works to Land to the rear of Boycott Road Ross Road Hereford HR2 7RL (Ref P243167/F)

1. *We act for the Friends of Redhill Green who have considered carefully the discussion in the committee report ("CR") for the above application, and ultimately the Friends welcome the retention of pedestrian access and amenity/recreational open space*

use alongside the allotments and it struck them as absurd that all concerned could not find a way to combine the two open spaces.

- 2. However, the proposal to separate the open spaces with a chain-link fence and leave a small, compartmentalised area for amenity/recreational open space is contrary to policy. The planning officer's response is to propose conditions 4 and 5 to ensure that what is brought forward meets policy requirements. We trust those conditions have been or are capable of being agreed by HALGS before the committee's resolution. Those conditions are framed expressly (and consistent) with the Open Space Officer's comments in mind, especially at CR para 6.11, and those conditions tie to officer's professional views that only "high quality" proposals will be an equally beneficial replacement to that lost and so comply with Local Plan policies including OS3.*
- 3. There are several practical considerations that go to what "high quality" could look like and where such matters are not for lawyers to promote, the Friends, in the short time available since the CR was published, commissioned an abridged review from Exterior Architecture (see attached to the email together with this letter) that gives a flavour of the type of design approach that could satisfy that standard. We anticipate that such an approach would be a more attractive proposal for HALGS too. While we appreciate that a degree of practical separation may be needed between open spaces, there are various ways this can be achieved, with a number of additional (both planning and non-planning) benefits that follow from integrating rather than segregating the two types of open space and such a proposal would, we envisage, be considered an equally beneficial replacement.*
- 4. The comments in red at page 12 of the CR that the current proposal "looks to be very small and to offer little in recreational value" shows that the recreational open space offering will need reimagining and ultimately this will likely (perhaps necessarily) result in a reduction in the number of allotment plots. The feasibility review indicatively reduces that number from 20 to 15. Two things can be said about that, however.*
- 5. First, the proposed introduction of community growing beds could create a better proposal for Our Lady's School, the Aconbury Centre, and the Child Development Centre (who have all been contacted about taking up plots) since the shared growing space detailed in the feasibility review is more open aspect than the standard enclosure of an allotment plot and would "support opportunities for young people to engage in growing food". Subject to the views of those involved, we envisage that if the preference is to use shared growing space there would (on that basis) be a net loss of 3 allotment plots. Other non-planning benefits include that community beds allow people on an allotment waiting list to take part in growing in the meantime, and upgrading the recreational area with some play space would benefit the wider community but also allotment tenants where their families and children can be brought along and play nearby while adults tend their plots.*
- 6. Ultimately, there are a range of proposals that could be acceptable and approved in accordance with conditions 4 and 5, and the Friends have put forward a flavour of what a better integrated set of spaces and a more obviously acceptable scheme could look like. That would not result in a different project to the current application for access arrangements and ancillary work – that is, it would not require either a separate consent or an amendment to the current proposal. Simply put, the proposal is an upgrade to an existing open space.*
- 7. We understand that safety standards apply to formal play equipment (if the same were included), but such equipment would not require a change of use for the site. The site is already classified as open space, and that remains true whether classified as formal play space, amenity or informal recreational open space all of which*

(together with allotments) fall within the taxonomy of open spaces considered in the CR and they clearly meet the NPPF definition of land that has "public value" and provides opportunities for recreation and visual amenity. If play equipment is prohibitive due to restrictions on structures (though we think permitted development rights may apply) or because of the additional associated costs (see below), the position remains that a range of alternative proposals could be brought forward, including opportunities for informal play spaces.

8. *It is common ground that the land is a combination of open spaces, including amenity/recreational open space. LP policies require that the lost recreational space is to be replaced with something "equally beneficial" if the application under Ref P243167/F is to be approved and what that looks like will be contextual but Conditions 4 and 5 requiring approval/discharge are necessary to make acceptable in planning terms the changes to access arrangements and ancillary works.*
9. *As above this is not a different project requiring a fresh application nor is there is a new environmental effect of a revised scheme and a design that includes (as does the example in the feasibility review) a wildlife corridor would improve biodiversity, and in any event the BNG calculation is comfortably above 10% requirement.*
10. *One final practical consideration is that we understand an indicative cost would be (for something of this nature) upwards of £150,000 if contractors are involved, largely a result of play equipment and it is not known if that is in the realms of affordability, but of course cost is relative and it is hoped (we trust not naively) that the Council and Connexus could support HALGS and the community to find a sensible way forward noted what is said above.*
11. *The Friends have taken a constructive approach in responding to this application and again welcome the proposal to retain access and provide open space. They do not want to have to use the High Court to determine the more technical issues behind this application however (and importantly) their position is reserved.*

A Landscape Feasibility Review by Exterior architecture accompanies this representation can be attached at Appendix 2.

Further representation from Mrs J. Ward:

I am objecting to this application again because it is Herefordshire Council's policy for children to "have a good quality education, housing, sport, leisure and play facilities", as set out in their "Child Friendly Herefordshire" policy launched last week by the Head of Children's Services. The removal of play equipment by Connexus, who manage the play area, and the subsequent removal of the entire play area conflicts with Child Friendly Herefordshire now and into the future. Connexus manages other play area throughout the county which it does not maintain and if this application is approved, it sets a precedent for the removal of other play areas. There are no parking facilities at the site, which is pedestrian only. As I understand it, potential allotment holders plan to park at The Child Development Centre car park, which is small car park, owned by the NHS and is only for the use of staff and thousands of parents who bring their children to the centre every year. The A49 is an extremely busy road and additional traffic to this site will be a further hazard for children and parents. I understand that future allotment holders are from outside the City and access to this site is being provided because local parish councils have failed to provide allotments for their residents. I am sure that in making their decision, the Planning Committee will have in the forefront of their minds, what is the best solution for the local community? I fail to see how the loss of this amenity will benefit local parents and their children, staff at the Child Development Centre and the children they serve. How will the loss of the facility fit in with Child Friendly Herefordshire? In order for this to be pleasantly resolved, a compromise needs to be made between those wishing for allotments and those in need of play facilities, as I have outlined below.

The play area on the site be provided with play equipment, benches and suitably designed with the help of Play England and Herefordshire Council Children's Services. The area would be approximately one fifth of the site, accessible on foot and open to the local community.

Further representation from Mr D. Howerski:

It was my intention to address the committee on the 18th March but currently unable to do so. Can you please circulate this email to the planning committee members. Thank you for you help.

The email and the 4 x evidential attachments are being sent to highlight the important omissions made in the Officer Report dated 18th March 2026

These omissions will expose Herefordshire Council to a potential legal challenge over planning application 243167 which is invalid.

1. It is a stunning level of Herefordshire Council's planning departments competency, to be able to finally produce a 32-page detailed planning document for public consumption, 5 days before a Committee meeting on 18th March 2026. This is some 3 years after an original planning application made on the 12th April 2023. The reversal of planning opinion that denies their own policies and deprives the local community of an open space, is clearly not in the public interest. One might take the view that this decision is not unconnected with the Local Authority support and funding for HALG. This I contend is obviously a material consideration with regard to the officer's report now before the committee.

I make the following points with regard to the Officers Report for the meeting of the 18th March 2026.

1. PF 2, Page 10, Para 5 sec 6.13

This is incorrect the land concerned has Legal Covenants on it which legally bind both Herefordshire Council and Connexus. They are contained in schedule 4 of the title to the land HE17055, a copy of which has been supplied to the planning department. Herefordshire Council and Connexus are in breach of the Covenants.

2. PF 2 page 29. Para 6.29, the claim that no supporting evidence was given is incorrect. The Open Spaces Society supplied the Planning Department with the relevant Title and Plan numbers by letter on 24th January 2026 and also on 21st February 2026. These letters form part of the public record.

3. PF2 page 29. Para 6.30. This statement is incorrect. I attach both the FOI and the letter from National Highways confirming no service of a sec 14 notice took place. This invalidates the planning application 243167.

4. PF2 page 29. Para 6.31. This is not agreed, the land as shown is clearly a "ransom strip" and express permission is required in law to access the land concerned. I attach the relevant plans.

The four attachments can be found at Appendices 3, 4, 5 and 6.

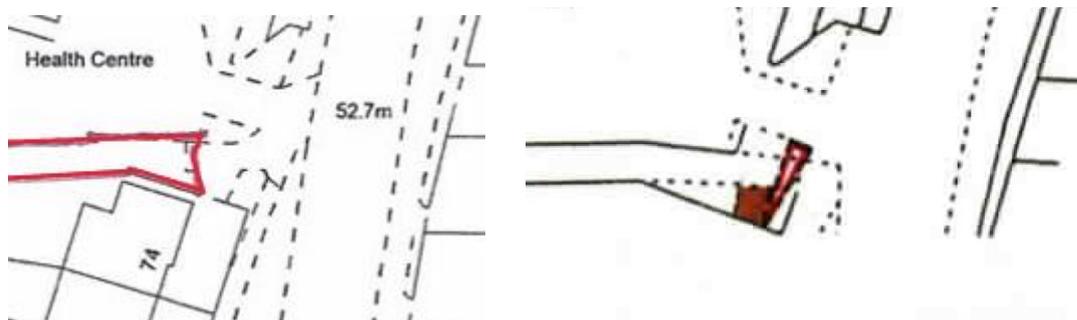
OFFICER COMMENTS

In regard to the validity of the application and questions surrounding the ownership of the access the agent has provided the following response:

The application site red line area was drawn up to include access to the public highway, in line with the DMPO 2015 (as amended). The comparison of the site location plan and the Title Plan extracted below reveals that there is no overlap of the red line area and land owned by National Highways. The poor level of detail on the Title Plan does not assist comparison, but it remains evident that the land owned by National Highways sits in front of the dwelling at 74, Ross Road.

No notice was therefore required to be served on National Highways.

Notwithstanding this, as you've already noted, National Highways has not objected to the planning application and, moreover, was subject to positive pre-application engagement. In terms of the latter, Ellie Smith (National Highways) responded to HALGS by letter on 27th June 2024 and by email on 4th December 2024. To that end, there could be no suggestion that National Highways was not aware of the proposed application (initially, submitted on 12th December 2024).



Following further submissions since the publication of the report, the Council has taken some further legal advice and reviewed the titles for the surrounding area to try and understand the matter being raised.

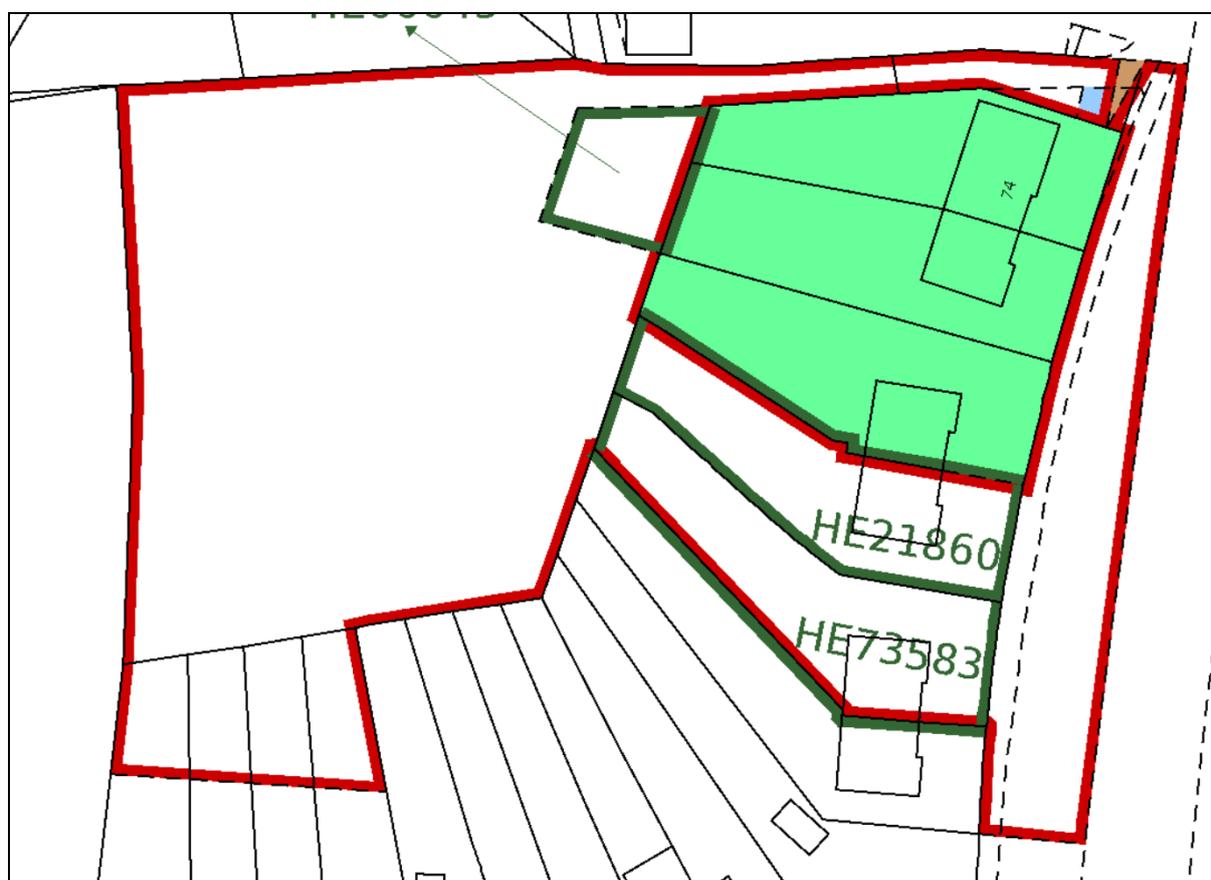
Firstly, the Council is satisfied that the correct certificates have been signed (and served) having regard to the red edge application site. Based on the location plan submitted, there was no requirement to serve notice on National Highways.

The National Planning Practice Guidance (Paragraph: 024 Reference ID: 14-024-20140306) advises:

that a location plan should be based on an up-to-date map. The scale should typically be 1:1250 or 1:2500, but wherever possible the plan should be scaled to fit onto A4 or A3 size paper. A location plan should identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear.

The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

The Local Planning Authority have reviewed the titles to ascertain where the public highway is. In both titles it refers to the rights of national Highways to build a retaining wall, such rights being appurtenant to the road known as the Hungerford-Hereford Trunk road (including the said land) The "said land" is referring to the small triangular strip in the ownership of National Highways that forms part of the access (shown coloured brown on Connexus title HE17055). Accordingly in 2002 the strip was considered to form part of the Highway and unless a closure order has been made it remains as such. The Council is not aware of any such closure order. An extract of this title plan is inserted below for ease.



The red edge application site boundary does not extend over this 'brown' area that is considered to be highway and no notice need be served. Notwithstanding this, National Highways were consulted at both pre-application stage and as a statutory consultee on the planning application and have not raised any objections and acknowledge in their response that the access to the Site is existing.

Having reviewed the titles and the location plan submitted with the application, the red line on the application plan may not extend as far as the highway. However, the area in question does not form part of the developable area and no changes are required to the existing access arrangements. As such officers are satisfied that, if the land is not highway, then the land is in the ownership of the party on whom Certificate B has been validly served.

Land ownership issues and the ability to legally access a site are generally regarded as private legal disputes to be resolved outside the planning process

NO CHANGE TO RECOMMENDATION

253584 - REPLACEMENT OF AN EXISTING GAS HEATING BOILER AND BALANCED FLUE WITH A NEW GAS BOILER AND FLUE TOGETHER WITH ASSOCIATED REPAIRS AND ALTERATIONS AT THE OLD HOUSE, HIGH TOWN, HEREFORD, HEREFORDSHIRE, HR1 2AA

ADDITIONAL REPRESENTATIONS

One additional representation has been received from Hereford City Council since the publication of the officer report. Comments are provided below:

“These are modest amendments and the HCC planning committee had no further objections.”

OFFICER COMMENTS

The representation raises no new material considerations.

As the representation is not a formal ‘no objection’, the application still requires determination by the Committee given this application relates to a Council application/Council owned property and because the application has attracted an unresolved objection namely the original representation of Hereford City Council.

NO CHANGE TO RECOMMENDATION