

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 01
Address: Woodlands Farm, Biddenfield Lane, Wickham, Fareham, Hampshire,
PO17 5NU

Parish/Ward Wickham

Proposal Description: Relief from Condition 03 of Planning Permission DRD890/1
(agricultural occupancy)

Applicants Name Mr And Mrs P. Hartley And Mrs J. Gamblin

Case No: 06/00337/FUL

W No: W19934

Case Officer: Mrs Jane Rarok

Date Valid: 8 February 2006

Delegated or Committee: Committee Decision

Reason for Committee: At the request of a councillor

Site Factors:

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Site Description

- The application site is located to the southwest of Wickham in an area designated as countryside in the Winchester District Local Plan.
- The site has an area of approximately 4.5 acre
- The surrounding sites have a variety of uses. Quob Farm, which abuts the boundary of the application site has a planning history which includes industrial uses (W08273/03, 1997) and stables and offices (W0827/14, 2003), the site which abuts the application site to the south east has an industrial use (W09930/06).
- The application site itself consists of a detached dwelling with domestic double garage and three additional buildings; a large corrugated metal barn structure and two large sheds, one timber construction and the other corrugated metal.
- The house and associated buildings are set deep into the plot which fronts Biddenfield Lane and is accessed via a long linear driveway.
- Lawns stretch around the house with deep belt of woodland/scrub to the boundary with Biddenfield Lane and the site known as land adjacent to Quob Farm.

Relevant Planning History

- DRD890/1 – erection of dwelling on land adjacent to Quob Farm – approved 10/1/67
- DRD890/2 – erection of house and double garage at Quob Farm – approval of details 9/7/69.

Proposal

- The proposal is for relief from agricultural occupancy condition.
- Outline permission was granted in 1967 for the erection of a dwelling on land adjacent to Quob Farm subject to 8 conditions.
- Condition 3 requires that “the occupier of the dwelling shall be a person employed or last employed in agriculture, as defined by Section 221 (1) of the Town and Country Planning Act 1962, or in forestry or the dependant of such a person”.
- This proposal seeks to remove this occupancy condition.

Consultations

None.

Representations:

Wickham Parish Council

- Support the application stating that “agricultural occupancy condition was never justified”
- No letters of representations have been received from neighbours

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- C1

Winchester District Local Plan

- C1, C17

Winchester District Local Plan Review Deposit and Revised Deposit:

- C1, C20

National Planning Policy Guidance/Statements:

- PPS1: Creating Sustainable Communities
- PPS7: Sustainable Development in Rural Areas
- Circular 11/95: The Use of Conditions in Planning Permission

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Planning Considerations

The main considerations in respect of this application are:

- Is it appropriate to remove the agricultural occupancy restriction based upon the evidence available regarding the need for said dwelling in the area.

Principle of development

- C20 of the Winchester District Local Plan Revised Deposit states that “the removal of conditions restricting the occupancy of dwellings to agricultural or forestry workers will not be permitted unless the Local Planning Authority is satisfied that the dwelling is no longer required for workers on the holding or in the surrounding area, nor is likely to be required in the foreseeable future”.
- This advice is amplified in PPS7: Sustainable Development in Rural Areas which states that “it is the need for a dwelling for someone solely, mainly or last working in agriculture or forestry in an area as a whole, and not just on the particular holding.” (PPS7: Sustainable Development in Rural Areas paragraph 17).
- The applicants have not supplied any evidence, by way of a marketing appraisal for example, which demonstrates that there is no longer a local need for this property to remain available to agricultural/forestry workers.
- The basis of the submitted supporting information is that there was no justification for the condition when the application was approved in 1968. The applicants have sought to establish this by way of a historically based assessment of the needs of Quob Farm in the 1960s. This includes a comprehensive appraisal of the farming history and viability and labour requirements at that time. It concludes that the holding could never have met the viability and labour tests to justify an agricultural workers dwelling.
- The condition was nevertheless imposed and the then applicant could have exercised the right of appeal if they considered the occupancy restriction was unreasonable. The condition was not appealed against and therefore stands.
- In accordance with Local Plan Policy and Circular 11/95: The Use of Conditions in Planning Permissions, it is not appropriate to remove agricultural occupancy conditions unless it can be demonstrated that there is no longer a need for such a dwelling in the locality.
- While the information available on public record for the original application in 1968 can neither refute nor confirm the applicant's assertion that there was no justification for this condition, it is considered that it is still necessary to provide empirical evidence that there is no longer a local need for dwellings for agricultural workers.
- It is necessary in all cases to undertake such an assessment even “where the condition was originally inappropriately imposed” (Circ. 11/95 para105).
- A very brief scroll of the Planning Registered yields 5 planning applications for agricultural workers dwellings in Wickham; two in 2002, two in 2004 and 1 in 2005 of which only one was approved. This would indicate that there still is a local need for such dwellings.

Recommendation

Refuse

Conditions/Reasons

01 The removal of this agricultural occupancy condition is contrary to Policy C17 of the Winchester District Local Plan, and would be likely to prejudice Proposal C20 of the emerging Winchester District Local Plan Review, in that it has not been demonstrated to the satisfaction of the Local Planning Authority that the dwelling is no longer required for agricultural workers in the surrounding area, nor is likely to be required in the foreseeable future.

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Informatives

00. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: C1

Winchester District Local Plan Proposals: C1, C17

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: C1, C20