

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City  
Council  
Planning Department  
Development Control

TEAM MANAGER  
SIGN OFF SHEET

## Committee Decision

<b>Case No:</b>	07/02379/FUL	<b>Valid Date</b>	5 October 2007
<b>W No:</b>	01486/05	<b>Recommendation Date</b>	22 May 2008
<b>Case Officer:</b>	Mr James Jenkison	<b>8 Week Date</b>	<b>30 November 2007</b>
		<b>Committee date</b>	
<b>Recommendation:</b>	<b>Application Permitted</b>	<b>Decision:</b>	<b>Committee Decision</b>

**Proposal:** Revocation of a Section 106 Agreement

**Site:** Shedding Oaks Farm Ham Green Sparsholt Winchester Hampshire

Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
NO	YES	NO	YES	NO	NO	NO

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed	REFUSE for the reason(s) listed	
	Signature	Date
<b>CASE OFFICER</b>		
<b>TEAM MANAGER</b>		

**AMENDED PLANS DATE:-**

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**Item No:** 9  
**Case No:** 07/02379/FUL / W01486/05  
**Proposal Description:** Revocation of a Section 106 Agreement  
**Address:** Shedding Oaks Farm Ham Green Sparsholt Winchester Hampshire  
**Parish/Ward:** Sparsholt  
**Applicants Name:** Mrs Joyce Payne  
**Case Officer:** Mr James Jenkison  
**Date Valid:** 5 October 2007  
**Site Factors:**

**Recommendation:** Application Permitted

### General Comments

This application is reported to Committee because there is no delegated authority to revoke Section 106 Agreements. The proposal is for the revocation of a Section 106 Agreement associated with planning permission W06367/03 (granted 7 November 1995) which permitted conversion of the loft of an agricultural building into holiday accommodation. The planning permission did not impose a condition restricting the accommodation to that of a holiday unit but instead imposed the restriction by a Section 106 Agreement.

A second planning application has been submitted (08/00759/FUL / W06367/06) which includes minor extensions and alterations and the incorporation of the ground floor of the building into the holiday let. This application is recommended for approval with an appropriately worded condition restricting use to holiday accommodation and is included elsewhere on this agenda. In the event that planning permission is granted to use the ground floor of the building for tourist accommodation in conjunction with the first floor, it would be appropriate to revoke the Section 106 Agreement once the new planning permission has been implemented.

### Site Description

The building subject to this application is a modest single storey building with a footprint of approximately 6.5 x 6.5 metres and which is set adjacent to the boundary with the neighbouring property to the north (Shedding Oaks Cattery). The land slopes downwards to the rear, so the ridge height of the building ranges from 6.5 to 7 metres. The ground floor remains as a storage area, but the loft has been converted into a tourist accommodation unit. The building is located in a farmyard, which also has a large utilitarian farm shed and is arranged in a courtyard format adjacent to a private track which also serves as a bridleway. To the north of the site is a property that has a dwelling, a mobile home, and a cattery business located on it.

The locality has a very rural character with trees and hedgerow along the track, particularly on the east side where development has not occurred. Development is of a linear form, consisting of farm buildings and a pair of residential properties.

### Proposal

The proposal is for the revocation of the Section 106 Agreement subject to which planning permission for the change of use from agricultural storage loft to holiday accommodation was granted on 7<sup>th</sup> November 1995 under reference W06367/03

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**Relevant Planning History**

**95/00657/OLD** - Change of use from agricultural storage loft to holiday accommodation – Permitted 07/11/1995, subject to a Section 106 Agreement restricting the loft to tourist accommodation.

**08/00759/FUL** - Incorporation of use of the ground floor of an existing holiday accommodation (including incorporation of the ground floor into the holiday accommodation unit) (amended description). Application to be heard concurrently with this application.

**Consultations**

Legal:

The planning permission (08/00759/FUL) would need to be implemented before the Section 106 Agreement can be revoked if the tourist accommodation condition on the new permission is to have effect subsequently.

**Representations:**

Sparsholt Parish Council

No comment received.

1 letter received objecting to the application for the following reasons:

- Loss of privacy from existing windows of holiday let.
- Use not compatible with businesses on adjacent property as burning takes place and cats make noise.

Reason aside not material to planning and therefore not addressed in this report

- Increased cost in maintaining cesspit.

**Relevant Planning Policy:**

Winchester District Local Plan Review

RT16, DP3

National Planning Policy Guidance/Statements:

PPS 7 Sustainable Development in Rural Areas

**Planning Considerations**

Principle of development

The principle of using this building as tourist accommodation has been established through the grant of planning permission 95/00657/OLD in 1995. The Council has now received an application to use the ground floor of the building as tourist accommodation in association with the first floor. This application is recommended for permission elsewhere on this agenda (ref: 08/00759/FUL). If permission is granted for this scheme, a condition would be imposed to reduce occupancy to tourist accommodation. In the event that this permission is implemented, the Section 106 Agreement would cease to serve any useful purpose as the use of the whole building would be controlled by a planning condition. It is recommended that the Section 106 Agreement be revoked in the event that 08/00759/FUL is granted and subsequently implemented.

**Recommendation**

That Committee authorise revocation of the Section 106 Agreement after implementation of planning permission 08/00759/FUL, if granted

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**Informatives:**

The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

Winchester District Local Plan Review 2006: RT16