

Notice of Meeting



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Western Area Planning Committee Wednesday 20 May 2026 at 6.30 pm in the Council Chamber Council Offices Market Street Newbury

This meeting will be streamed live here: [Link to Western Area Planning Committee broadcasts](#)

You can view all streamed Council meetings here: [Link to West Berkshire Council - Public Meetings](#)

If members of the public wish to make representations to the Committee on any of the planning applications being considered at this meeting, they can do so either remotely or in person. Members of the public who wish to make representations must notify the Planning Team by no later than 4.00pm on day month year by emailing planningcommittee@westberks.gov.uk.

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday 12 May 2026

Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148 or email planningcommittee@westberks.gov.uk.

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing executivecycle@westberks.gov.uk.



Agenda - Western Area Planning Committee to be held on Wednesday 20 May 2026
(continued)

To: Councillors Phil Barnett (Chairman), Clive Hooker (Vice-Chairman), Adrian Abbs, Martin Colston, Paul Dick, Nigel Foot, Denise Gaines, Tony Vickers and Howard Woollaston

Substitutes: Councillors Antony Amirtharaj, Dennis Benneyworth, Carolyne Culver, Billy Drummond and Stuart Gourley

Agenda

Part I

Page No.

1. **Apologies for absence**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 5 - 10
To approve as a correct record the Minutes of the meetings of this Committee held on 21 January 2026 and 18 March 2026.
 3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
 4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
- (1) **Application No. and Location: 26/00449/LBC & 26/00448/HOUSE** 11 - 24
Hamstead Holt House, Kintbury Holt, Newbury, RG20 0DD
- Proposal:** Erection of a single storey rear extension
- Location:** Hamstead Holt House, Kintbury Holt, Newbury, RG20 0DD
- Applicant:** Mr and Mrs Hume
- Recommendation:** To delegate to the Development Manager to REFUSE PLANNING PERMISSION and LISTED BUILDING CONSENT



Agenda - Western Area Planning Committee to be held on Wednesday 20 May 2026
(continued)

- (2) **Application No. and Location: 26/00036/MDOPO Street Record, Spring Meadows, Great Shefford** 25 - 34
- Proposal:** Modification of Planning Obligation on approved application 87/30084/ADD (130084) - the Seventh Schedule section (F) of legal agreement dated 24th May 1988.
- Location:** Street Record, Spring Meadows, Great Shefford
- Applicant:** Mr Paul Carter
- Recommendation:** To delegate to the Development Manager to GRANT PERMISSION subject to the completion of a deed of variation alongside the original planning obligation

Background Papers

1. The statutory development plan for West Berkshire. This comprises a suite of documents available online: <https://www.westberks.gov.uk/article/40121/Current-Development-Plan-for-West-Berkshire>
2. Other local planning policies, including supplementary planning documents: <https://www.westberks.gov.uk/planning-policy>
3. The National Planning Policy Framework: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
4. The Planning Practice Guidance: <https://www.gov.uk/government/collections/planning-practice-guidance>
5. The case file for the individual applications, comprising all plans, supporting documentation, consultation responses, and any representations received. A link is provided to the relevant file in each application report.
6. Any previous planning applications for the site: <https://publicaccess.westberks.gov.uk/online-applications>
7. Any other background information specifically mentioned in the application report

Sarah Clarke.

Sarah Clarke
Executive Director - Resources
West Berkshire District Council

If you require this information in a different format or translation, please contact Stephen Chard on (01635) 519462.



West Berkshire
C O U N C I L

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Agenda Item 2.

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 18 MARCH 2026

Councillors Present: Clive Hooker (Vice-Chairman), Adrian Abbs, Antony Amirtharaj, Paul Dick, Denise Gaines, Tony Vickers and Howard Woollaston

Also Present: Matthew Shepherd, Harriet Allen, Thomas Radbourne, Debra Inston, Kate Thomas, Darius Zarazel

Apologies for inability to attend the meeting: Councillor Phil Barnett, Councillor Nigel Foot and Councillor Martin Colston

PART I

1. Minutes

The Minutes of the meeting held on 18 February 2026 were approved as a true and correct record and signed by the Chairman.

The Minutes of the meeting held on 10 September 2025 were approved as a true and correct record and signed by the Chairman.

2. Declarations of Interest

Prior to the meeting, Councillor Nigel Foot declared an interest in Agenda Item 4(1) by virtue of the fact that he was involved in developing the application as Executive Portfolio Holder for Leisure and Sport. As his interest was prejudicial, he determined to send apologies for the meeting and would take no part in the debate or vote on the matter. He indicated that he would attend the meeting only to address the Committee in his capacity as Ward Member and to answer questions.

Councillor Billy Drummond and Denise Gaines declared that they had been lobbied on Agenda Item 4(1).

Councillor Tony Vickers declared an interest in Agenda Item 4(1) by virtue of the fact that he was a member of the Newbury Town Council's Planning and Highways Committee, which had considered this application, although, he had not been present when the item was considered. As his interest was personal and not a prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

3. Schedule of Planning Applications

(1) 25/02139/REG3 Faraday Road Football Ground Faraday Road Newbury RG14 2AD

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 25/02139/REG3 in respect of erection of floodlighting, Faraday Road Football Ground, Faraday Road, Newbury, RG14 2AD.

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2. Mr Matthew Shepherd (Senior Planning Officer) introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
3. In accordance with the Council's Constitution, Mr Vaughan Miller, Town Council representative, Mr Alan Pearce and Ms Paula Saunderson objectors, Mr Danny Langford and Mr Lee McDougall, supporters, Mr Jon Winstanley, applicant, and Councillor Nigel Foot, Ward Member, addressed the Committee on this application.

Parish/Town Council Representation

4. Mr Miller addressed the Committee. The full representation can be viewed here:
[Western Area Planning Committee – Recording](#)

Member Questions to the Parish/Town Council

5. Members did not have any questions of clarification.

Objector Representation

6. Mr Pearce and Ms Saunderson addressed the Committee. The full representation can be viewed here:
[Western Area Planning Committee – Recording](#)

Member Questions to the Objector

7. Members asked questions of clarification and were given the following responses:
 - Ms Saunderson confirmed her view that the application should not be determined as it had not been properly validated according to national and local checklists.
 - Ms Saunderson's objection was based on the process and document inaccuracies, not the principle of the floodlights.
 - Mr Pearce confirmed the letter of 6 March 2026 stated that the application had been amended to be solely for the erection of floodlights, removing the elements that had been subject to objection.

Supporter Representation

8. Mr Langford and Mr McDougall addressed the Committee. The full representation can be viewed here:
[Western Area Planning Committee - Recording](#)

Member Questions to the Supporter

9. Members asked questions of clarification and were given the following responses:
 - To the best of his knowledge, Mr McDougal confirmed that the proposed positions of the floodlights and power connections were the same as those that were previously removed.
 - With careful management, the pitch could be used for training two of three evenings a week in addition to weekend matches.

Applicant/Agent Representation

10. Mr Winstanley addressed the Committee. The full representation can be viewed here:

WESTERN AREA PLANNING COMMITTEE - 18 MARCH 2026 - MINUTES

[Western Area Planning Committee - Recording](#)

Member Questions to the Applicant

11. Members asked questions of clarification and were given the following responses:
- 'FL-11' was the floodlight model name and was not related to the height, which was 15 metres.

Ward Member Representation

12. Councillor Foot addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee – Recording](#)

Member Questions to the Ward Member

13. Members did not have any questions of clarification.

Member Questions to Officers

14. Members asked questions of clarification and were given the following responses:
- While the submitted plan's scale did not match the guidance in the local validation list, this was not a legislative requirement. Citing Article 7(1)(c) of the Town and Country Planning Development Management Procedure Order (DMPO) 2015, officers advised that the plan was sufficient to identify the location and validate the application. Regarding the red line, officers cited case law (Wyatt v Fareham 2021) to confirm that access does not need to be included where no operational development is occurring on it. Officers concluded there were no material technical errors.
 - The cabling works would be considered 'de minimis' and would not require planning permission, so did not need to be included in the red line.
 - Planning Officers and the Legal Team were satisfied that the location plan complied with legislative requirements.
 - 'Reg 3' was an internal suffix used to identify an application submitted by the Council.
 - Blue lines were not determinative, and their omission of some adjoining land owned by the applicant was not a reason to invalidate an application.

Debate

15. Councillor Adrian Abbs opened the debate by supporting the improvement of the football ground. He noted the floodlights, and the power cables were a modern replacement for what was there previously. He could not find a reason to object to the proposal on planning grounds and was minded to approve the application.
16. Councillor Paul Dick expressed his support for the application, noting the importance of the clarified community use. He stated he was happy to propose the officer's recommendation.
17. Councillor Tony Vickers noted the issues with drainage on the site and supported the application as a step of progress in the long saga of the football ground. He expressed regret that the 3G pitch was not included but understood the difficulties. He stated he was happy to second a motion to approve.

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18. Councillor Howard Woollaston expressed disappointment that a more comprehensive masterplan approach had not been taken but acknowledged that based on the application before the Committee, he could see no reason for rejection.
19. Councillor Abbs queried whether the letter mentioned by the objector could be added to the portal. Officers clarified that the letter was a standard notification of an amendment and that the applicant's formal request to amend the scheme was already publicly available on the website.
20. Councillor Paul Dick proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Tony Vickers.
21. The Chairman invited Members of the Committee to vote on the proposal by Councillor Dick, seconded by Councillor Vickers to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main report and update report.

(2) 25/00572/FUL 1 Bartholomew Street, Newbury, RG14 5LL

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 25/00572/FUL in respect of Installation of extract fan system to rear elevation, 1 Bartholomew Street, Newbury, RG14 5LL.
2. Ms Harriet Allen (Planning Officer) introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
3. In accordance with the Council's Constitution, Mr Giorgio Marcello, objector, Mr Mehmet Erturk, applicant, addressed the Committee on this application.

Objector Representation

4. Mr Marcello addressed the Committee. The full representation can be viewed here:
[Western Area Planning Committee - Recording](#)

Member Questions to the Objector

5. Members asked questions of clarification and were given the following responses:
 - When asked if Mr. Marcello currently experienced noise or smells from the premises and if he had ever recorded them with the Council, Mr. Marcello confirmed he sometimes did, but he had not officially reported them.

Applicant/Agent Representation

6. Mr Erturk addressed the Committee. The full representation can be viewed here:
[Western Area Planning Committee - Recording](#)

Member Questions to the Applicant

7. Members asked questions of clarification and were given the following responses:
 - Mr. Erturk confirmed he would have the system maintained regularly, as it was essential for his business. He stated that the system would be serviced every

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three to six months and he could provide invoices to prove this. He believed it would be an overall improvement for his staff and customers.

- The café was currently open from 8:00 am to 5:00 pm and closed on Wednesdays. The hours may extend to 8:00 pm in the summer but there were no plans for late-night opening.
- The purpose of the new system was to move the smoke and smells from inside the café to the outside, as the internal system was not working effectively.

Member Questions to Officers

8. Members asked questions of clarification and were given the following responses:
9. Regarding a question on whether the flue was high enough to prevent odours from wafting back down and effecting neighbours. Officers confirmed that the impact at the proposed height had been assessed by the Environmental Health Officer and deemed acceptable with the proposed high-grade filtration system. Officers noted there were no specific height regulations for such flues as there were for wood burners
10. Officers explained that while a long-term monitoring condition would be unreasonable, if a resident experienced unacceptable levels of noise or odour, they could report it to the Environmental Health team. If the equipment was found to be faulty or in breach of a condition, it would become an enforcement matter.
11. Regarding a question on if the Council had received many complaints about noise or smells from residents living above other town-centre establishments. Officers stated that without the Environmental Health Officer present, they did not have that data, however, officers were aware that some complaints had been made.
12. The application was for permanent approval, and no application would be required to remove it.
13. Officers confirmed that the application had a post-installation survey condition, not a long-term monitoring condition.
14. The Environmental Health Officer had assessed the proposal at the specified height and concluded it would not cause unacceptable harm. The Committee had to assess the application as submitted and rely on the Environmental Health Officer's expert advice in the absence of contrary technical evidence.
15. Officers suggested a condition could be added for a management and monitoring programme. Following clarification from Councillor Adrian Abbs that he sought a one-off test rather than regular monitoring, officers agreed that Condition 6 could be expanded to require a verification report, including the results of initial commissioning tests, with the final wording delegated to officers.

Debate

16. Councillor Tony Vickers opened the debate, stating that it was important to get such applications right for the future of the town centre, which would likely see more mixed-use developments. He felt the discussion had led to an acceptable conclusion with the proposed additional conditions. While acknowledging the objector's life might not be improved, he questioned if it was reasonable to refuse the application for what might be a slight increase in discomfort.
17. Councillor Antony Amirtharaj was struck by the fact the applicant was seeking to improve the current conditions for the health and safety of staff and customers, as

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well as for his business. He sympathised with the objector's concerns but felt that, on balance, the proposal was acceptable, noting that noise and odours are often part of living in a town centre.

- 18. Councillor Adrian Abbs believed it was positive for Newbury and noted the balance between supporting a local business and protecting residents. He advised the objector that the Environmental Protection Act 1990 provided a powerful tool (statutory nuisance) should the system prove to be a problem. He urged the applicant to ensure the measures were as effective as possible. While he disliked the flue's proximity to the window and its potential visual impact, he was pleased that conditions would be added for testing and was likely to support the application.
- 19. In response to a point raised in the debate, officers confirmed that the application specified the flue would have a black finish.
- 20. Councillor Paul Dick stated his concerns had been for the local residents and felt that the amended wording for the conditions, as suggested by officers, would make the proposal more acceptable.
- 21. Councillor Adrian Abbs proposed to accept officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Antony Amirtharaj
- 22. The Chairman invited Members of the Committee to vote on the proposal by Councillor Adrian Abbs, seconded by Councillor Antony Amirtharaj to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the following conditions:

Conditions

- An amendment to Condition 2 to include the existing site plan drawing 1500 EX01 received 12 March 2025.
- An amendment to Condition 6 to require that the post-installation survey report includes the results of commissioning tests to verify the system is working correctly, with the final wording to be delegated to officers in consultation with the Environmental Health Officer.
- An additional condition restricting the hours of operation of the extraction system to between 8:00 am and 8:00 pm daily.

(The meeting commenced at 6.30 pm and closed at 8.15 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	26/00449/LBC & 26/00448/HOUSE Kintbury Parish Council	07.05.2026 ¹	Erection of a single storey rear extension Hamstead Holt House, Kintbury Holt, Newbury, RG20 0DD Mr and Mrs Hume
1 Extension of time agreed with applicant until tbc			

The application details can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Recommendation Summary: To delegate to the Development Manager to REFUSE PLANNING PERMISSION and LISTED BUILDING CONSENT

Ward Member(s): Councillor Denise Gaines
Councillor Tony Vickers
Councillor Dennis Benneyworth

Reason for Committee Determination: Called-in if recommended for refusal

Committee Site Visit: 14th May 2026

Contact Officer Details

Name: Miss Harriet Allen
Job Title: Planning Officer
Tel No: 01635 519111
Email: Harriet.Allen1@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the erection of a single storey rear extension to the grade II listed Hamstead Holt House, situated in open countryside and the North Wessex Downs National Landscape.
- 1.3 Hamstead Holt House dates to the late 18th century, with significance arising primarily from its handsome and relatively unaltered farmhouse character according to the Historic England listing description. Adjoining the house to the northeast is a curtilage-listed building, described in the applicant's Heritage Impact Assessment as a former dairy.
- 1.4 The house has been substantially altered over time, most recently by the addition of a single storey extension granted in 1992, and two-storey extension in 2009, both on the northeast elevation. Consequently, the ability to understand the farmhouse significance has been eroded, with the original farmhouse appearance only clear from the northwest elevation according to the submitted heritage statement.
- 1.5 The application proposes the demolition of utility rooms and a boot room, understood to date to the 20th century, followed by the erection of a further single storey extension off the northeast elevation with a garden wall, which would sit in front of the northwest elevation of the former dairy.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
92/41285/ADD	Alterations to house and addition of garden room.	APPROVED 27.08.1992
08/02384/HOUSE & 08/02386/LBC	First floor extension with a new en-suite bedroom at north east side of the building on existing wall structure. Internal alteration includes replacing current family bathroom into dressing room and existing bedroom 2 into family bathroom. New Tennis Court to North West	APPROVED 17.02.2009
09/00655/COND1	Application for approval of details reserved by Condition 2: Full schedule of work, Condition 3: All works of making good and repair to the retained fabric, Condition 4: Adequate protection and support, Condition 5: Material use visible external to the new extension, Condition 6: Sample, Condition 7: Brickwork, Condition 8: Details of all new windows and Condition 9: Impact of the proposed	APPROVED 22.02.2010

	modification to the North East elevation of planning permission reference 08/02386/LBC	
09/00934/COND1	Application for approval of details reserved by Conditions 2 and 3 of planning permission reference 08/02384/HOUSE: Condition 2 - Landscaping . Condition 3 - Tree Protection	APPROVED 22.02.2010
21/03019/HOUSE	Construction of a domestic inground swimming pool and plant hut	APPROVED 02.02.2022

- 2.2 This current application follows withdrawn application refs: 25/00966/HOUSE and 25/00967/LBC which proposed a similar single storey extension that was objected to by the Principal Conservation and Design Officer.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notices were displayed on 02.04.2026 to a gate at the entrance to the property, with a deadline for representations of 25.04.2026. A public notice was displayed in the Weekly News on 19.03.2026; with a deadline for representations of 02.04.2026. Notification letters were sent to Hamstead Holt Farm, The Granary, The Bothy, The Smithy and The Stables. The deadline for a response was 10.04.2026,
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.
- 3.4 **Community Infrastructure Levy (CIL):** Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority

under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>

- 3.5 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.7 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.8 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.9 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.10 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

- 3.11 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. This application affects the Grade II listed Hamstead Holt House. A heritage impact assessment has been provided by the applicant, and the Council’s Conservation Officer has also commented on the impact of the proposal on the building’s special historic interest. Consideration of the assessments is provided in this report under the relevant headings.
- 3.12 **National Landscapes (AONB):** Section 85 of the Countryside and Rights of Way (CRoW) Act 2000 (as amended) provides a general duty for public bodies: “Any relevant authority exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty).” AONBs have been rebranded to be known as National Landscapes, although their legal AONB status continues.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council’s website, using the link at the start of this report.

Kintbury Parish Council:	No objection.
WBC Principal Conservation and Design Officer:	Objection – Less than substantial harm identified which has not been sufficiently justified or outweighed by public benefits.
WBC Public Rights of Way Officer:	No objection. Informatives advised.
North Wessex Downs	No response received.
Ramblers’ Association	No response received

Public representations

- 4.2 No representations were received within the 21-day public consultation period.

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

Development Plan Document	Relevant Policies
<p><u>West Berkshire Local Plan Review 2023-2041</u></p>	<p>Strategic Policies</p> <ul style="list-style-type: none"> • Policy SP1 The Spatial Strategy • Policy SP2 North Wessex Downs National Landscape • Policy SP3 Settlement Hierarchy • Policy SP5 Responding to Climate Change • Policy SP6 Flood Risk • Policy SP7 Design Quality • Policy SP8 Landscape Character • Policy SP9 Historic Environment • Policy SP10 Green Infrastructure • Policy SP11 Biodiversity & Geodiversity • Policy SP19 Transport <p>Development Management Policies</p> <ul style="list-style-type: none"> • Policy DM1 Residential Development in the Countryside • Policy DM4 Building Sustainable Homes & Businesses • Policy DM7 Water Resources & Waste Water • Policy DM9 Conservation Areas • Policy DM10 Listed Buildings • Policy DM15 Trees, Woodland & Hedgerows • Policy DM28 Residential Extensions • Policy DM30 Residential Amenity • Policy DM44 Parking

- 5.2 The following material considerations are relevant to the consideration of this application:

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- National Design Guide
- Quality Design SPD (2006)
- Sustainable Drainage Systems SPD (2018)

6. Appraisal

Principle of development

- 6.1 According to Policy DM28, the principle of the extension of existing permanent dwellings will be supported. The policy gives criteria where residential extensions will

be permitted; these relates to the impacts of the development and are considered, as appropriate, under the headings below.

Character and appearance and impact on the listed building

- 6.2 According to Policy SP7, new development will be required to strengthen a sense of place through high quality locally distinctive design. The policy further expects opportunities to be taken for the conservation and enhancement of character and appearance.
- 6.3 The conservation and, where appropriate, enhancement of listed buildings specifically is a requirement of Policy SP9.
- 6.4 Supporting the above requirements, Policies DM28 and DM10 provide specific criteria to be complied with.
- 6.5 The proposed extension would have a 3.5m high flat roof, 1m higher than the element to be demolished, that aligns with the eaves of the former dairy and existing single storey extension. The materials and fenestration indicate a traditional design approach, with painted timber frames and a mock bricked-up window, and handmade brick for walls detailed to match the existing extension. A contemporary glazed link is also proposed to connect the extension to the former dairy.
- 6.6 The Conservation and Design Officer acknowledges that the further detail provided on the age of the rendered extension shows that it includes elements of an early/mid 20th century extension alongside the second storey added in 2008 (ref: 08/02384/HOUSE & 08/02386/LBC). This alleviates their previous concerns regarding the removal of historic fabric. However, they remained concerned regarding the size and design of the proposed extension.
- 6.7 Combined with the glazed link, the footprint would be circa 46sqm, and following the demolition of an existing extension the net increase would be 39sqm. Within the context of the original and existing building, the scale is considered significant and disproportionate given it would be close to the footprint of the curtilage-listed former dairy (55sqm), and almost a quarter of the original house footprint (120sqm). It would also appear wider than the two existing extensions and be sited to one side in front of the thinner two-storey element, resulting in a lack of consistency of built form and overlapping building and ridge lines.
- 6.8 The extension would project 7m from the northeast elevation, and the garden wall by a further metre. Consequently, more of the curtilage-listed building would be obscured, further eroding the farmhouse character on the northeast and northwest elevations.
- 6.9 Overall, taking into account the cumulative impact of three extensions and proposed garden wall, by virtue of the volume, form and materials, the proposed development would appear as a heavy and bulky addition, disproportionate to the scale and character of the farmhouse, further complicating the northwest and northeast elevations, and thus eroding the building's historic interest.
- 6.10 Criterion (b) of Policy DM28 requires extensions to be of a high-quality design, and criterion (d) requires the historic and/or architectural interest of the existing dwelling to not be harmed.
- 6.11 According to Policy DM10, unless justified otherwise, development will not be permitted if it would adversely affect the character, scale, proportion, design, detailing, or materials used in the Listed Building (criterion i), or result in the loss of/or

irreversible change to original features or other features of importance or interest (criterion ii).

- 6.12 Paragraph 212 of the NPPF states that great weight should be given to the conservation of designated heritage assets, and paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.13 Reasons are given for the scale and bulk being acceptable in the heritage impact supplementary statements. These refer to the previous erosion of the building's farmhouse character and truncation of the dairy, existing "muddled" appearance to the rear due to the previous extensions, and lack of affected public views of the development.
- 6.14 In this context, the primary requirement is for the listed building, its setting and special features of historic interest to be preserved. Therefore, the existing somewhat muddled appearance and erosion of historic interest over time does not justify development that would exacerbate these matters. As it stands, the dwelling is listed and great weight must be given to its remaining features of historic interest which includes the farmhouse character and curtilage-listed building on the northwest and northeast elevations, which this proposed extension would erode.
- 6.15 The lack of a public view of the development does not warrant harm to the intrinsic historic character of the building itself, the conservation of which is to be given great weight.
- 6.16 The consideration is whether the significance is sustained and enhanced which it is not. The proposed extension will project further than the existing extensions and former dairy. It will also introduce a large expanse of flat roof which is out of keeping with the overall form of the building and the various roof forms and heights. While the parapet of the extension will be aligned to the eaves datum of the existing single storey extension, the proposed extension will slightly obscure the feature window within the stair hall. The rear elevation drawings highlight just how odd the proposed extension will sit alongside the other extensions.
- 6.17 The proposed north east elevation drawing further highlights how odd the proposed extension will sit amongst the various roof forms and massing of the different extensions. A new garden wall has been added with this application presumably in an attempt to provide screening. However, this adds further bulk and brickwork and more linear extension forms across this elevation as well as further changes in heights.
- 6.18 Further justification given is that the extension and associated internal alterations would create a large kitchen, posed as a benefit in enabling a large space to be the "heart of the home", now needed due its enlargement over time.
- 6.19 Regarding the posed internal layout improvements, the Conservation Officer does not consider this to be sufficient justification, noting that the extension would move a large living space away from the rest of historic parts of the house. They also note that it has not been demonstrated that the continued viable use of the property as a residential dwelling is dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
- 6.20 For the reasons above, it is considered by officers that the proposal fails to preserve historic interest, adversely affects the character, scale, and proportion of the listed building, would result in the obscuration of features of interest, and does not represent high quality design, contrary to national and local policy requirements.

Residential amenity

- 6.21 The proposed extension is a single storey and behind a two-storey element. It is not considered that the proposal would result in any harmful overbearing, overshadowing or overlooking impacts on the occupants of neighbouring dwellings and their private amenity spaces in accordance with Policy DM30.
- 6.22 The private functional amenity space for Hamstead Holt House would be largely unchanged, remaining sufficient in scale and quality following the construction of the extension.

Highway matters

- 6.23 According to Policy SP19, development that generates a transport impact will be required to (amongst others) mitigate any adverse impact on local transport networks. Criterion h of Policy DM28 requires that following construction of the extension, sufficient space is available for on-site vehicular parking in accordance with policy DM44 in a way that does not detract from the character and appearance of the area.
- 6.24 No changes are proposed to the number of bedrooms, nor existing access and parking arrangements. There are therefore no highways implications.

Flooding and drainage

- 6.25 The application site is less than 1ha, not in Flood Zones 2 or 3, nor in an area identified as being at risk of flooding from rivers and sea, surface water, or groundwater. As such, no flood risk assessment is required in accordance with Policy SP6. It is not considered that the proposed single storey rear extension, which would be on existing hardstanding, would exacerbate flood risk on the site nor elsewhere.
- 6.26 Given the lack of flood risk and nature and scale of the proposal, it is not considered proportionate to require details of surface water drainage to render the proposal acceptable in terms of its flooding and drainage impact.

Ecology

- 6.27 According to Policy SP11, development proposals will be required to demonstrate how they conserve and enhance biodiversity and/or geodiversity including their long-term future management and, where required, deliver Biodiversity Net Gains. Criterion k of Policy DM28 requires that the proposal conserves and enhances biodiversity, in accordance with policy SP11.
- 6.28 The extension would be on an existing patio area and not result in the loss of any habitat.
- 6.29 Householder development is exempt from mandatory Biodiversity Net Gain.
- 6.30 No adverse impact on biodiversity nor conflict with Policy SP11 has been identified.

Trees

- 6.31 According to Policy DM15, development which conserves and enhances trees, woodland and hedgerows will be supported. Criterion j of Policy DM28 requires that the proposal would not result in adverse impacts on trees (including their roots and

canopy spread) on and off site, in accordance with policy DM15. Trees should be retained where possible.

6.32 The proposal would affect an existing area of hardstanding and have no significant impact on any green infrastructure.

6.33 No adverse impact on trees nor conflict with Policy DM15 has been identified.

Climate change, energy and water

6.34 According to Policy SP5, the principles of climate change mitigation and adaptation will be required to be embedded into new development. Proposals should be accompanied by a Sustainability Statement which demonstrates how the principles in Policy SP5 have been embedded into the development, proportionate to the scale and nature of the development proposed. Policy DM7 requires development to be water-neutral as far as practicable.

6.35 No sustainability statement has been submitted however it is acknowledged that the scale and nature of the proposal is minor, and the extension would be appropriately insulated as required by building regulations.

6.36 As such the lack of specified energy and water efficiency measures is not considered to amount to a harm sufficient to merit a reason for refusal.

7. Planning Balance and Conclusion

7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. It includes a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay. However, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

7.2 For the reasons given in this report, the proposed development result in a low level of less than substantial harm to the special interest of Hamstead Holt House without sufficient justification or public benefit.

8. Full Recommendation for 26/00448/HOUSE

8.1 To delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reason listed below.

Refusal Reason

1	Impact on significance The application site comprises the grade II listed 18 th century building known as Hamstead Holt House, and curtilage-listed former farm building. Significance of the building arises from its handsome late-18 th century farmhouse character, and features of interest contributing to this include the original northwest elevation, and the curtilage-listed building most visible on the northeast and northwest elevations.
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	<p>The proposed extension would project 7m from an existing two-storey extension on the northeast elevation, and the garden wall by 8m, completely obscuring the remaining northwest-facing wall of the curtilage-listed building. Furthermore, the extension would be greater in width than both the two-storey element and adjacent single storey extension, have a similar footprint to the adjoining curtilage-listed building, and be almost a quarter of the original house in footprint terms. Consequently the proposed extension would complicate the northwest and northeast elevations by introducing more overlapping building and ridge lines.</p> <p>Overall, taking into account the cumulative impact of three extensions off the northwest elevation, and proposed garden wall, by virtue of the volume, form and materials, the proposed development would appear as a heavy and bulky addition, disproportionate to the scale and character of the farmhouse, further complicating the northwest and northeast elevations, and eroding the building's historic interest. The proposal therefore fails to preserve historic interest, adversely affects the character, scale, and proportion of the listed building, would result in the obscuration of features of interest, and does not represent high quality design.</p> <p>The low level of less than substantial harm to the significance of the listed building has not been sufficiently justified nor has public benefit outweighing the harm been sufficiently demonstrated.</p> <p>The proposal therefore fails to comply with the statutory requirements of the Planning (Listed Buildings and conservation Areas) Act 1990, the National Planning Policy Framework, and Policies SP7, SP9, DM10 and DM28 of the West Berkshire Local Plan Review 2023-2041.</p>
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Informatives

1	<p>Refusal</p> <p>In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application the local planning authority has been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.</p>
2	<p>Plans considered</p> <p>The following plans/documents have been considered in the determination of this application:</p> <p>2504_LP_001 REV A Location Plan received 10.03.2026 2504_SP_002 REV A Block Plan received 12.03.2026 2504_P_20_200 REV E Proposed Elevations received 10.03.2026 2504_P_20_100 REV F Proposed Floor & Roof Plans received 10.03.2026 2504_XP_20_100 REV B Existing Floor & Roof Plans received 10.03.2026 Design & Access Statement received 24.02.2026 Flood Risk Assessment received 24.02.2026 Heritage Statement & Impact Assessment received 24.02.2026 Supplementary Heritage Statement & Impact Assessment received 24.02.2026</p>

9. Full Recommendation for 26/00449/LBC

- 9.1 To delegate to the Development Manager to REFUSE LISTED BUILDING CONSENT for the reason listed below.

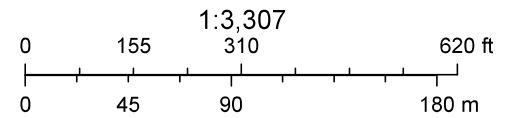
Refusal Reason

1	<p>Impact on significance</p> <p>The application site comprises the grade II listed 18th century building known as Hamstead Holt House, and curtilage-listed former farm building. Significance of the building arises from its handsome late-18th century farmhouse character, and features of interest contributing to this include the original northwest elevation, and the curtilage-listed building most visible on the northeast and northwest elevations.</p> <p>The proposed extension would project 7m from an existing two-storey extension on the northeast elevation, and the garden wall by 8m, completely obscuring the remaining northwest-facing wall of the curtilage-listed building. Furthermore, the extension would be greater in width than both the two-storey element and adjacent single storey extension, have a similar footprint to the adjoining curtilage-listed building, and be almost a quarter of the original house in footprint terms. Consequently the proposed extension would complicate the northwest and northeast elevations by introducing more overlapping building and ridge lines.</p> <p>Overall, taking into account the cumulative impact of three extensions off the northwest elevation, and proposed garden wall, by virtue of the volume, form and materials, the proposed development would appear as a heavy and bulky addition, disproportionate to the scale and character of the farmhouse, further complicating the northwest and northeast elevations, and eroding the building's historic interest. The proposal therefore fails to preserve historic interest, adversely affects the character, scale, and proportion of the listed building, would result in the obscuration of features of interest, and does not represent high quality design.</p> <p>The low level of less than substantial harm to the significance of the listed building has not been sufficiently justified nor has public benefit outweighing the harm been sufficiently demonstrated.</p> <p>The proposal therefore fails to comply with the statutory requirements of the Planning (Listed Buildings and conservation Areas) Act 1990, National Planning Policy Framework, and Policies SP7, SP9, DM10 and DM28 of the West Berkshire Local Plan Review 2023-2041.</p>
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Hamstead Holt House
Kintbury Holt
Newbury
RG20 0DD



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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	26/00036/MDOPO Great Shefford	9 th March 2026 ¹	Modification of Planning Obligation on approved application 87/30084/ADD (130084) - the Seventh Schedule section (F) of legal agreement dated 24th May 1988. Street Record, Spring Meadows, Great Shefford Mr Paul Carter

¹ Extension of time agreed with applicant until tbc

The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=T8LE6RRD0OX00>

Recommendation Summary: GRANT PERMISSION subject to the completion of a deed of variation alongside the original planning obligation.

Ward Member(s): Councillor Clive Hooker

Reason for Committee Determination: Over 10 letters of objection

Committee Site Visit: N/A

Contact Officer Details

Name: Cheyanne Kirby
Job Title: Senior Planner
Tel No: 01635 519111
Email: Cheyanne.kirby@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the modification of planning obligation on approved application 87/30084/ADD (130084) - the seventh schedule section (F) of a Section 52 legal agreement dated 24th May 1988 (Section 52 Agreements are essentially the precursor to S106 Agreements).
- 1.3 The application site includes the entire residential development of Spring Meadows however the proposal mainly concerns the historic football pitch/agricultural land located to the north-west of the site, shown on the plan below taken from the original Section 52 Legal Agreement.
- 1.4 A planning application for the development of the land for 16 dwellings (25/01800/FULMAJ) is currently pending consideration. However, this is a separate proposal and does not form part of the assessment of the current application.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
87/30084/ADD	Residential development and football pitch	Approved / 26.10.1988

3. Legal and Procedural Matters

- 3.1 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notice were displayed on 3rd February at the gate to the land at Spring Meadows, with a deadline for representations of 24th February 2026. Notification letters were sent to neighbours on the 22nd January with a deadline for representations of 12th February 2026.
- 3.2 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.
- 3.3 **Community Infrastructure Levy (CIL):** Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject

to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>

- 3.4 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.5 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.6 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.7 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.8 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.9 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land.

This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Great Shefford Parish Council:	<p>Objection - The covenant was intentionally included to serve a clear planning purpose and has long been an established part of the local planning framework. Residents purchased their homes with the understanding that, if the land ceased to be used for football, it would be retained for agricultural use. This expectation has influenced property decisions for many years.</p> <p>The Parish Council considers that altering the covenant now would undermine the original intent of the agreement and weaken the protections it provides. They therefore request that the proposed modification be refused.</p>
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Public representations

- 4.2 Representations have been received from 17 contributors, all of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Land not suitable for residential development
 - Original permission granted on the basis that land will be laid out as open recreational space
 - Lack of use does not mean planning obligation is obsolete
 - Flooding/surface water impacts
 - Should be used for leisure or school activities
 - Removes protection of land from building
 - Pitch not used due to increasing fees and flooding
 - Not in accordance with national and local policies
 - Wildlife impacts
 - Protected National Landscape
 - Impact on deeds

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate

otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

Development Plan Document	Relevant Policies
<u>West Berkshire Local Plan Review 2023-2041</u>	Site Allocations <ul style="list-style-type: none"> • Policy RSA23 Land west of Spring Meadows, Great Shefford

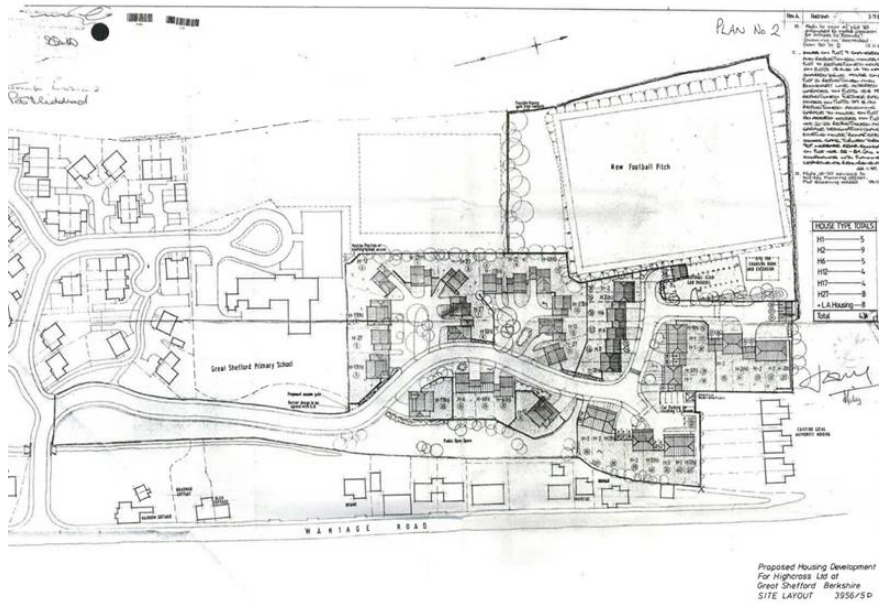
5.2 The following material considerations are relevant to the consideration of this application:

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- Planning Obligations SPD (2014)

6. Appraisal

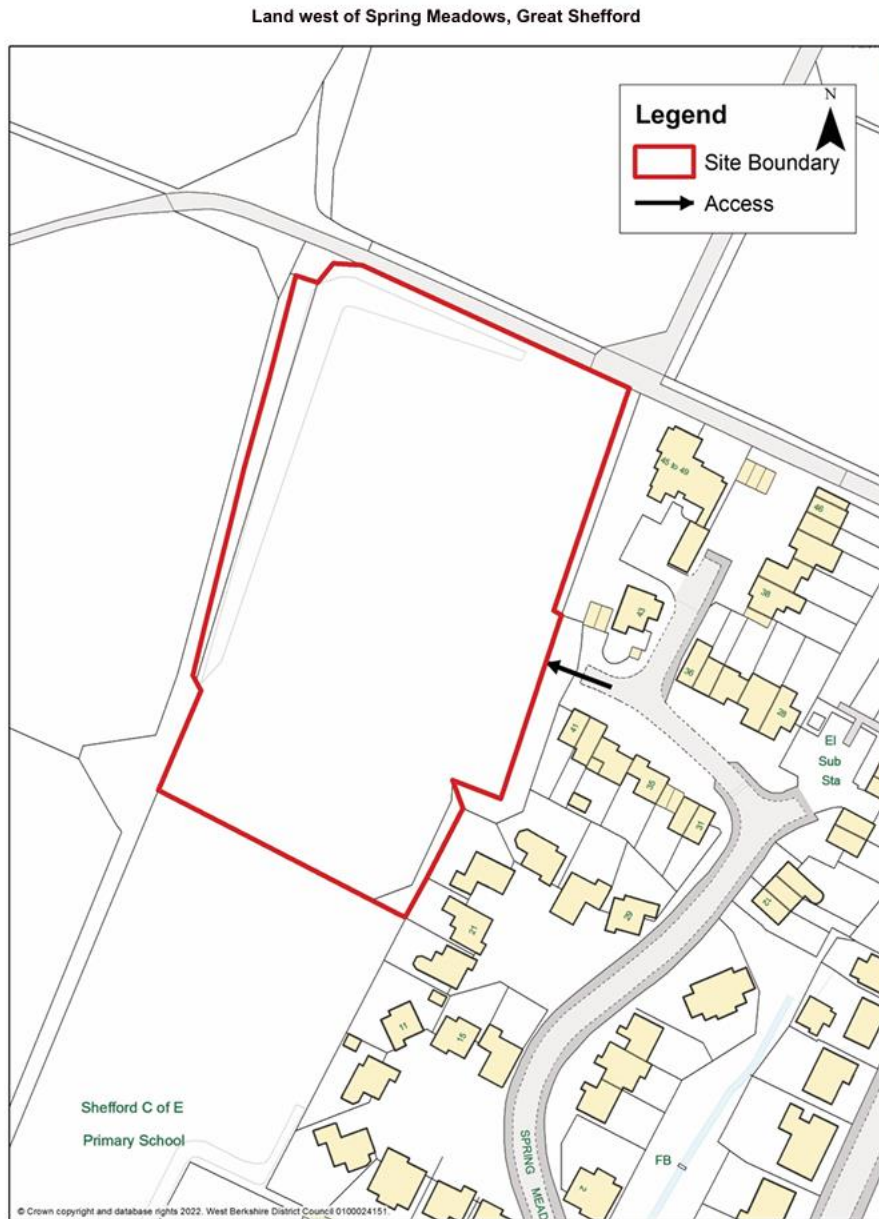
- 6.1 A Section 52 planning obligation refers to a legal agreement made under Section 52 of the Town and Country Planning Act 1971. These agreements were the predecessor to today's Section 106 agreements. Their purpose was to secure planning-related requirements such as controlling land use, securing open space, or delivering infrastructure that could not be imposed through planning conditions alone.
- 6.2 All Section 52 agreements remain legally binding unless they are formally modified or discharged. Applications to modify or discharge them are now dealt with under the current planning legislation, and the key test is whether the obligation continues to serve a useful planning purpose.
- 6.3 Planning permission 130084 (87/30084/ADD) was granted for residential development and the provision of a football pitch.
- 6.4 A section 52 agreement was attached to this permission required that the land to the north-west be designated as open space for recreational use (see fig.1 below). In addition, a planning obligation was secured, setting out requirements for this land to be provided and used as a football pitch. Under the seventh schedule (Section F) of the obligation, the land was restricted to use as a football pitch or for agricultural purposes, subject to obtaining consent from the Council.

Fig. 1 Plan 2 Section 52 Agreement



- 6.5 On 5 March 1998, the Council received a letter explaining that, in accordance with the lease dated 1 January 1994 between West Shefford Farms Limited and the Trustees of West Shefford Football Club, the landlord was entitled to recover the land if the club ceased its activities or no longer maintained a team. The letter confirmed that the landlord had taken possession of the land because the football club had ceased to exist.
- 6.6 On 14 August 2008, following an enforcement enquiry, a letter was submitted to the Council stating that the land had not been used as a football pitch for more than 10 years. It also clarified that, under the seventh schedule (Section F) of the planning obligation, planning permission was not required to revert the land from a football pitch to agricultural use, but confirmation from the Council's legal department was necessary.
- 6.7 On 9 September 2008, the Council wrote to the landowner's agent confirming that the change of use from football pitch to agriculture was agreed in accordance with the seventh schedule (Section F).
- 6.8 The site is now allocated for residential development within the West Berkshire Local Plan Review (2023–2041) under Policy RSA23 – Land west of Spring Meadows, Great Shefford (see fig.2 below). As a result of this allocation, the requirements of the seventh schedule (Section F) of the original Section 52 planning obligation no longer serve a useful purpose.

Fig.2 Non-Strategic Residential Site Allocations Policy RSA23 – Land west of Spring Meadows, Great Shefford



Other matters

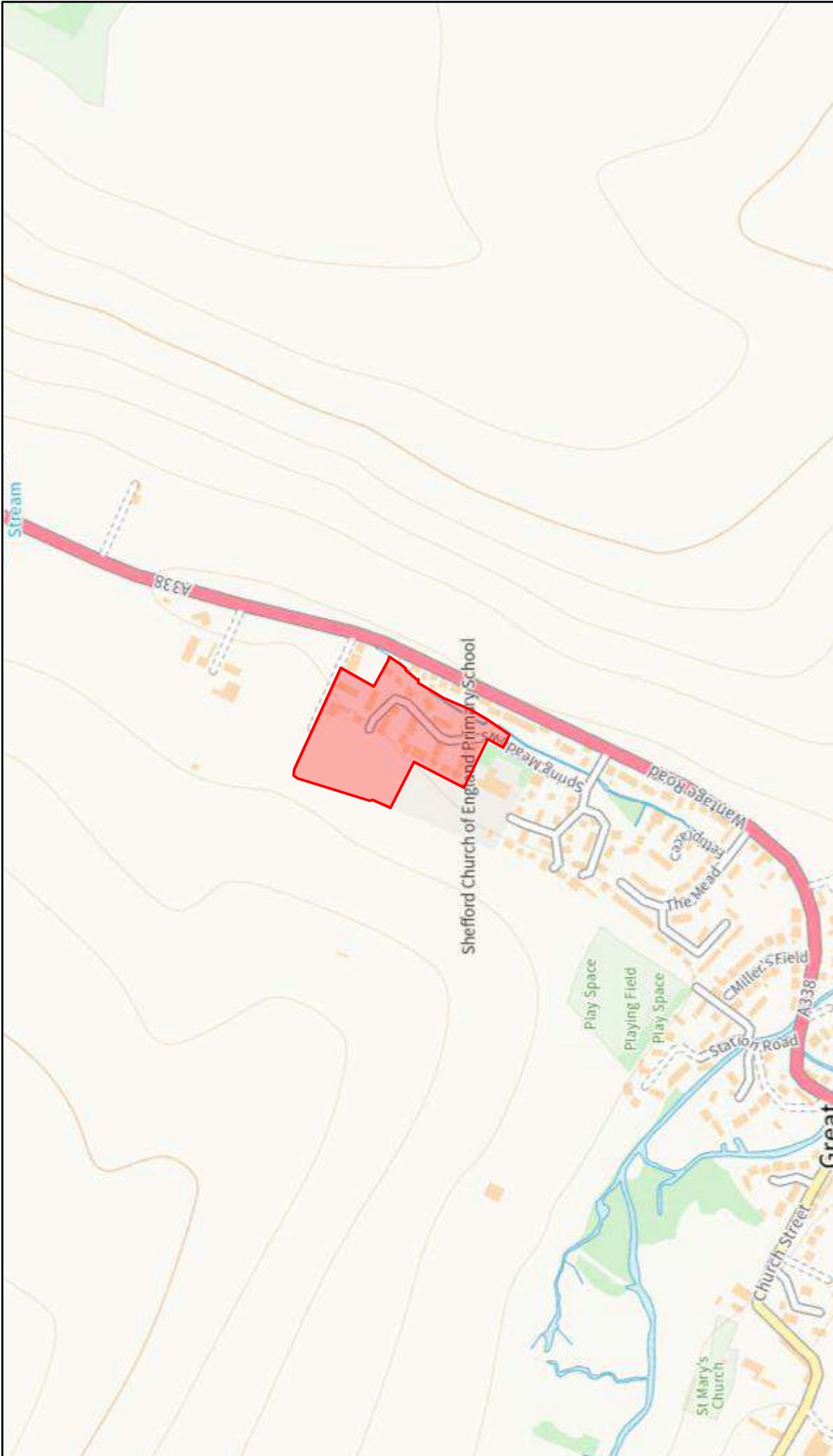
- 6.9 While objections have been received regarding flooding, ecology, land ownership deeds, and the residential development proposed under application 25/01800/FULMAJ, these matters are not relevant to the consideration of the current application. This application relates solely to whether the seventh schedule (Section F) of the planning obligation continues to serve a useful planning purpose. Any future proposal for development on this land would be subject to a full planning application and assessed on its merits in accordance with national and local planning policy.

7. Planning Balance and Conclusion

- 7.1 It has been adequately demonstrated that the seventh schedule (Section F) under the original section 52 planning obligation secured under permission 130084 (87/30084/ADD) no longer serves a useful purpose. Therefore, the seventh schedule (Section F) can be deleted.

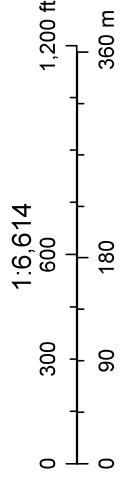
8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PERMISSION subject to the completion of a deed of variation alongside the original planning obligation.



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- Spring Meadows
- Great Shefford
- Hungerford



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