

## **BRECKLAND COUNCIL**

**PLANNING COMMITTEE - 8<sup>th</sup> April 2013**

### **REPORT OF DIRECTOR OF COMMISSIONING**

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### **SOUTH LOPHAM: MR & MRS G HORAN – MEMORIES, PANSTHORNE FARM: CREATION OF SEPARATE DWELLING WITH EXISTING COMMERCIAL PROPERTY.**

**Reference: 3PL/2007/0112/F**

#### **DEFERRED ITEM REPORT**

**Summary** - This report concerns a full planning application to subdivide the uses on the site to create a main house and attached annexe as one planning unit, whilst converting a detached barn on site to a new dwelling to serve the existing commercial uses operating from the site. The application was approved by Members on 12<sup>th</sup> March 2007 subject to the applicants entering into a Section 106 agreement to ensure that the dwelling permitted was occupied in connection with the businesses carried out on the site. The Section 106 agreement has not been signed by the applicants and, as such, it is recommended that the application be refused.

#### **1.0 BACKGROUND/PLANNING HISTORY**

- 1.1 This report concerns a full planning application to subdivide the uses on the site to create a main house and attached annexe as one planning unit, whilst converting a detached barn to a new dwelling to serve the existing commercial uses operating from the site. The report should be read in conjunction with the previous committee report for this application, a copy of which is attached.
- 1.2 Members may recall that the application was considered by the Development Control Committee on the 12<sup>th</sup> March 2007 and subsequently approved, subject to the applicant entering into a Section 106 Agreement tying the occupation of the new dwelling to the operation of the existing commercial units on site.
- 1.3 Shortly after the application was considered by the Planning Committee in 2007, the site was sold to new owners and the applicants moved away from the area. The applicants were contacted by the Council on numerous occasions from March 2007 in respect of the progress of the S106 agreement and on 10<sup>th</sup> June 2008 the Council's solicitors received confirmation that the applicants did not wish to proceed with the agreement due to no longer owning the land. Further letters were sent by the Council to the applicants requesting confirmation that they did not wish the application to be determined, but no response was forthcoming.

#### **2.0 CONCLUSION**

- 2.1 Whilst the principle of the scheme was considered acceptable in 2007 when it was considered by Committee, this recommendation was based on the occupation of the new dwelling being tied to the existing commercial uses on

the site. Therefore, without the completion of an appropriate S106 agreement, the scheme is considered unacceptable in terms of planning policy.

- 2.2 Notwithstanding that there have been significant changes in planning policy since the 2007 application was considered, including the adoption of the Breckland Core Strategy and the introduction of the National Planning Policy Framework, it is not considered that these would be material in respect of changing the original decision and the requirement for the S106.

### **3.0 RECOMMENDATION**

- 3.1 It is recommended that planning permission be refused on the grounds that the applicants have failed to enter into a satisfactory Section 106 Agreement tying the use of the new dwelling to the commercial businesses on site.