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To

The Chairman and Members of the Development  
Control Committee

All other Members for information

Your Ref:

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Date 22 June 2007

Dear Sir/Madam,

## **DEVELOPMENT CONTROL COMMITTEE - MONDAY 2 JULY 2007**

I refer to the agenda for the above-mentioned meeting and enclose the following deferred item:

<b>Item No</b>	<b>Report Title</b>	<b>Page Nos</b>
10.	Mileham: Coronation Grove, Litcham Road: Reference 3PL/2007/0318/F	1 - 4

Yours faithfully

*Julie Britton*

Committee Officer

**BRECKLAND COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE – 2<sup>ND</sup> JULY 2007**

**REPORT OF THE DEVELOPMENT SERVICES MANAGER  
(AUTHOR: Phil Perkin – Senior Development Control Officer)**

**MILEHAM: CORONATION FARM LITCHAM ROAD - CONVERSION AND RE-USE OF  
PART OF BARN FOR CLASS B8 WITH ANCILLARY RESIDENTIAL AND PARKING**

**DEFERRED ITEM REPORT**

**Summary:** At the Development Control Committee meeting on 21<sup>st</sup> May 2007 the above application was deferred. However, the Development Services Manager was authorised to grant planning permission subject to a Section 106 legal agreement. The purpose of this report is to seek clarification from the Committee on the content of the Section 106 legal agreement.

**Background**

At the meeting on 21<sup>st</sup> May 2007 Members discussed this application, which proposed the conversion and re-use of part of a barn for Class B8 with ancillary residential and parking at Coronation Farm, Litcham Road, Mileham. The application was deferred, however the Development Services Manager was authorised to grant permission subject to completion of a S106 legal agreement to tie the new accommodation to the commercial use and to require that the commercial use commences first.

It is understood that Members also requested that the buildings should remain within the ownership of the agricultural user of the land outlined in blue on the submitted plans. However, this is not referred to in the minutes and it is on this point that clarification is requested.

It should be noted that land outlined in blue on a planning application denotes land in the ownership of the applicant but which does not form part of the application.

The applicant's agent has written and is of the opinion that there is no planning reason to require the building to remain within the ownership of the agricultural user of the land outlined in blue and anyway this is not possible as the owner of the barn to be converted is not the same as the owner of the agricultural land outlined in blue. This statement would appear to contradict the information that was submitted with the application.

**Recommendation**

Members are asked for clarification as to whether or not the S106 legal agreement should contain a clause stating that the building should remain within the ownership of the agricultural user of the land outlined in blue on the submitted plans.

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 21-05-2007**

<b>ITEM</b>	<b>7</b>	<b>RECOMMENDATION : REFUSAL</b>
<b>REF NO:</b>	3PL/2007/0318/F	
<b>LOCATION:</b>	MILEHAM Coronation Farm Litcham Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Messrs G & D Wall c/o agent	
<b>AGENT:</b>	Project Planning Assoc Ltd The Studio Westbrook Cottage	
<b>PROPOSAL:</b>	Conversion and re-use of part of barn for class B8 with ancillary residential and parking	

### **KEY ISSUES**

Residential conversion of rural buildings.

### **DESCRIPTION OF DEVELOPMENT**

This application seeks planning permission for the re-use of part of an existing single storey barn within a working farm complex, for employment purposes (equipment store and office) and residential accommodation. The proposal is a case of the farmer's son wishing to use part of the barn from which to operate his business as a landscape and fencing contractor in conjunction with a one bedroom residential unit. Access to the site is proposed from the existing access to the farm.

### **SITE AND LOCATION**

The site is located within the complex of farm buildings known as Coronation Farm, situated in open countryside approximately 1km east of Litcham.

The barn is approximately one half of a U shaped barn partly used at present to house livestock. It is constructed primarily of timber frame and cladding over a low concrete wall with a pantiled roof. Adjacent to the barn are open sided storage buildings and a modern enclosed agricultural building. Adjacent to the farmyard, to the west of the barn, is the existing farmhouse. Geese are reared on the adjoining land adjacent to the barn.

### **RELEVANT SITE HISTORY**

3PL/2006/1389: The conversion and re-use of part of barn as a live/work unit plus parking: Refused.

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 21-05-2007**

### **POLICY CONSIDERATIONS**

Policies HOU.11 and ENV.28 of the Breckland District Local Plan (Adopted September 1999) are considered relevant to this application.

HOU.11 - The conversion of rural buildings to residential use will be permitted subject to criteria.

ENV.28 Amenity will be protected.

### **CONSULTATIONS**

MILEHAM P C

NO RESPONSE AS AT 30TH APRIL 2007.

HIGHWAY AUTHORITY – No objection subject to conditions.

COUNCIL'S ENVIRONMENTAL HEALTH OFFICER – Concerns regarding the noise from the B8 part of the application affecting the residential proposal. If it was one or the other conditions could be proposed but it would be difficult to combine the two unless they were linked in some way so that the operator or employee of the B8 business was also the inhabitant of the barn conversion.

NATURAL ENGLAND – Objects on the grounds the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

### **REPRESENTATIONS**

None

**ASSESSMENT NOTES**

- \* Members will note that a similar application was refused in November 2006. The main difference in this application is that the proposed residential accommodation has been reduced in size from two bedrooms to one and replaced with an equipment store. The proposed office has also been reduced in size.
- \* It is understood the applicant stores materials in connection with his business in the adjacent modern enclosed agricultural building. There is no record of planning permission having been granted for this commercial use although such use would comply generally with the terms of Policy HOU.11(i).
- \* Policy HOU.11 states that the residential use of rural buildings will only be permitted where the applicant has made every reasonable attempt to secure suitable business re-use or the residential conversion is a subordinate part of a scheme for business re-use.
- \* Whilst not specifically stated it appears that the applicant is proposing to re-locate his business storage from the modern agricultural unit to the barn although the proposed equipment store within the barn is significantly smaller than the existing building. Notwithstanding this it is considered that this element of the proposal complies with Policy HOU.11(i).
- \* Policy HOU.11(ii) states that the residential conversion should be a subordinate part of a scheme for business re-use. The proposed residential unit is approximately one-half of the barn subject of this application. This is not considered to be a subordinate part of the scheme.
- \* Furthermore it is considered that there are no compelling or overriding reasons for requiring a unit of residential accommodation in connection with a relatively small scale operation.
- \* The proposed dwelling is located in very close proximity to a large agricultural storage building and livestock. It is considered that residential use of the barn is not appropriate as it would be incompatible with these adjacent uses.
- \* It is considered that this application would, if permitted, set a precedent for the residential conversion of the remainder of the barn not the subject of this application.
- \* It will be noted that Natural England raises an objection to the application.
- \* No evidence of the barn having been marketed for business re-use has been submitted. It is considered that there is no compelling reason for residential accommodation and that in any event the location is inappropriate. Accordingly therefore the application is recommended for refusal.

**RECOMMENDATION**

**Refusal of Planning Permission**

**REASON(S) FOR REFUSAL**

- 9900** Policy HOU.11 reason for refusal
- 9900** Business re-use required
- 9260** Policy ENV.28 reason for refusal
- 9260** Not suitable for residential conversion
- 9900** Adverse impact on protected species