

BRECKLAND COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 2ND 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 21st 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 21st 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.