

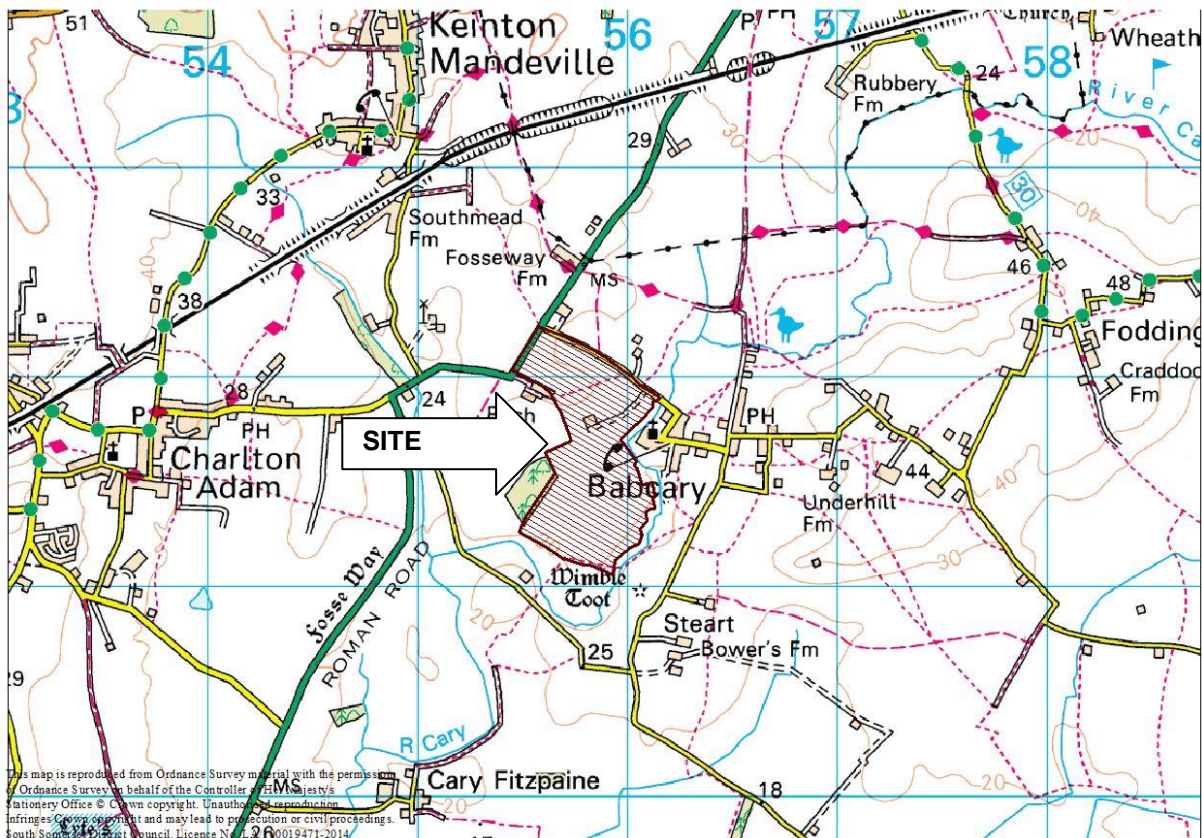
Officer Report on Planning Application: 14/02144/DPO

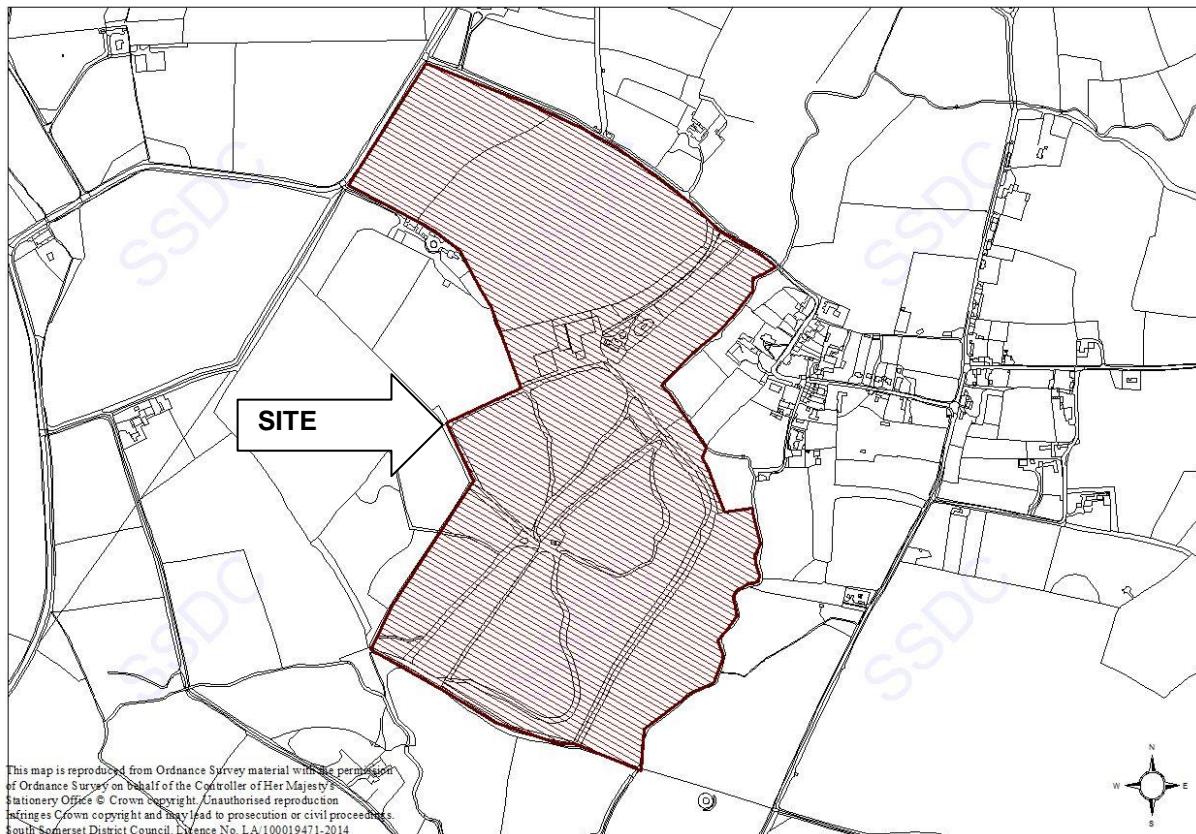
Proposal :	Application to discharge Section 106 agreement linking the land to the dwelling, relating to planning application 921883 (GR 355894/128766)
Site Address:	Deer Park Farm Babcary Somerton
Parish:	Babcary
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	22nd August 2014
Applicant :	M Beaton
Agent: (no agent if blank)	
Application Type :	Non PS1 and PS2 return applications

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at the request of a ward member, with the agreement of the Vice-chair to enable the issues raised to be fully debated.

SITE DESCRIPTION AND PROPOSAL





This application relates to an agricultural worker's dwelling and associated land at Deer Park Farm, Bab Cary, and seeks to discharge a legal agreement dated 19 January 1993 which is a non-fragmentation agreement that relates to planning permission 921883.

RELEVANT HISTORY:

921883 - Erection of an agricultural workers dwelling, permitted with a legal obligation to tie the land to the dwelling.

Other Planning History

10/01698/COU - Change of use of buildings from agriculture to storage/ distributor (B8) revised application - refused.

10/00075/COU - The change of use of buildings from agricultural to storage (B8) - Refused.

05/01040/FUL - The erection of a double garage - Approved.

04/02689/AGN - Erection of hay/ straw barn - Permitted.

03/02427/FUL - Proposed increase in domestic curtilage and erection of a swimming pool, gymnasium and conservatory extension - Refused.

02/00207/AGN - The erection of a hay/ straw barn - Permitted.

00/03155/FUL - Continued use of redundant farm building for general storage (renewal) Permitted.

96/02528/COU - Use of redundant farm building for general storage - Permitted.

922627 - Erection of a hay barn - permitted

922628 - Erection of a hay barn - permitted

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed

under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The development plan comprises the South Somerset Local Plan. The policies of most relevance to the proposal are:

HG15 - Agricultural and Forestry Dwellings

ST10 - Planning Obligations

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

National Planning Policy Framework:

Planning Obligations and their revision is the subject of paras.203- 205.

CONSULTATIONS

Babcary Parish Council object, seeing no reason for the S.106 to be removed believing it more relevant than ever before that the house should be tied to the farmland surrounding it in perpetuity, or what was the point of the S106 in the first place?

REPRESENTATIONS

None

CONSIDERATIONS

An application may be made to the local planning authority to change the obligation where it "no longer serves a useful purpose". At the time of the permission it was common practice to impose non-fragmentation legal agreements for such applications. Since that time there have been several changes in planning policy and under the current policy regime of the NPPF and the Local Plan such non-fragmentation legal agreements are discouraged and should only be imposed where there are truly exceptional circumstances.

Planning Inspectors have considered conditions sufficient to control occupation. In this instance, condition 6 attached to planning permission 921883 relates to an agricultural worker's occupancy. This will continue to apply should the legal agreement be discharged and effectively addresses the Parish Council's reasons for objecting to the proposal.

There are no other material planning reasons that are known, or have been brought to the council's attention, why this non-fragmentation agreement should not be lifted and as such the application is considered to accord with the aims and objectives of the NPPF (paras.55 and 203-206) and policy HG15 of the SSLP and is recommended for approval.

RECOMMENDATION

To allow the discharge of the Section 106 Agreement dated 19 January 1993 made between South Somerset District Council and Malcolm Stewart Beaton.

Informative:

01. A copy of this decision will be sent to the Council's Land Charges Department so that they can remove the restriction from the land charges register. A copy of this certificate should be retained and kept with the deeds of the property.