

The application is to discharge a planning obligation made under Section 106 relating to a previous planning permission 04/00189/COU which dealt with the conversion of a redundant farm building into self-catering holiday lets. The purpose of the obligation is to prevent the severance of the building from the remainder of the buildings and land within the agricultural holding.

Planning permission has been granted under application reference 15/00682/COU for the change of use of building from holiday lets to single dwelling.

The 8 week period for the determination of the planning application expires on 1st May 2016.

RECOMMENDATION

That the applicant be advised that the local planning authority are willing to discharge the section 106 obligation (application reference 16/00015/DOB) following the granting of planning permission under 15/00682/COU and subject to the necessary completed documentation to discharge the obligation being in place within 6 months of the date of the above approval.

Reason for Recommendations

Given that planning permission has been granted for the change of use of the building from holiday lets to single dwelling the existing planning obligation has been rendered obsolete, having no purpose in connection with the unrestricted residential use of the building and as such there is no reasons to not discharge the obligation.

Key Issues.

Planning permission has been granted under application reference 15/00682/COU for the change of use of building from holiday lets to single dwelling. This application is therefore to discharge a planning obligation made under Section 106 relating to a previous planning permission 04/00189/COU which dealt with the conversion of a redundant farm building into self-catering holiday lets. The purpose of the obligation is to prevent the severance of the building from the remainder of the buildings and land.

The main issues to be considered with this proposal are:

- Whether the section 106 should be discharged?

The removal of the Section 106 obligation

Prior the granting of planning permission in November 2004 for the change of use of the detached building to holiday lets the then owner/applicant entered into a section 106 planning obligation relating to the development to prevent the severance of the building from the other buildings and land of the application site in the ownership of the applicant.

As indicated above the application for the change of use of the building from holiday lets to single dwelling was permitted in November 2015 by virtue of the development being acceptable in planning terms and as such this would make the Section 106 obligation obsolete therefore the application to remove the obligation should be agreed.

It is considered that the legal documentation should be in place within 6 months of the date of the planning approval, this will give the applicant a sufficient period to enable this to happen whilst giving the opportunity to implement the permission without any unnecessary delay. If after this 6 month period the obligation is still in place the Local Planning Authority would have to assess, at that stage, whether it would be expedient to pursue enforcement action on the matter, however it is in the applicants best interests to resolve this matter as soon as possible, given the section 106 obligation would be revealed on local land charge searches and this may affect any future sale of the property.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Nil

Newcastle-under-Lyme Local Plan (NLP) 2011

Nil

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (2014)

Relevant Planning History

The property in question was granted approval under planning permission 04/00189/COU on the 23rd November 2004.

The applicant has detailed within their submission that the holiday let use has not been implemented.

Further applications at the property are as follows;

05/00210/COU Change of use of farm building to ancillary accommodation to the main dwelling and extension to form double garage Permitted

07/00585/FUL Two bay storage building for domestic use Permitted

15/00682/COU Change of use of building from 2 holiday lets to single dwelling Permitted

Views of Consultees

Audley Parish Council has been consulted on the application but as no comments have been received by the due date of 06.02.2016 it has to be assumed that they have no objections to the application.

Applicant's/Agent's submission

The application documents are available for inspection at the Guildhall and under the application reference number 16/00015/DOB on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00015/DOB>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

15 February 2016