

Report to Area Plans Sub-Committee East



**Epping Forest
District Council**

Date of meeting: 19 June 2013

Subject: Request to discharge the obligation of a Section 106 agreement that required that an outbuilding be used only for agricultural storage at Crown Park Farm, Bournebridge Lane.

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Democratic Services: Rebecca Perrin (01992 56 4532)

Recommendation:

That the S106 requirement be discharged, and the Land Charges section be requested to remove it from the local land charge register.

Background

An application to retain an outbuilding at this site (ref EPF/1171/88) was granted planning permission on 14/2/92 once a S106 legal agreement had been signed restricting its use for agricultural storage only. (This outbuilding is shown hatched on the site location plan attached at appendix 1) The planning file states, however, that this site was not used for agriculture in 1988, and that the new owner would be likely to use the 'farm' for horse keeping – which is not an agricultural use. In these circumstances it was rather unusual that this legal agreement was entered into.

The above planning permission also contained a condition that the outbuilding could only be used for agricultural purposes. On the 11th April this year a certificate of lawful development application was lodged which provided satisfactory evidence that the outbuilding had been used for domestic purposes (incidental to the house on the site) for more than 10 years. A certificate of lawfulness for this domestic use was issued on 6/6/13.

In the light of the fact that the authorised planning use of this outbuilding is now for domestic purposes incidental to a house, the S.106 agreement requiring its use for agricultural use is both out of date and inappropriate. The S.106 therefore no longer serves any planning purpose, and it is recommended that its requirement be discharged.