

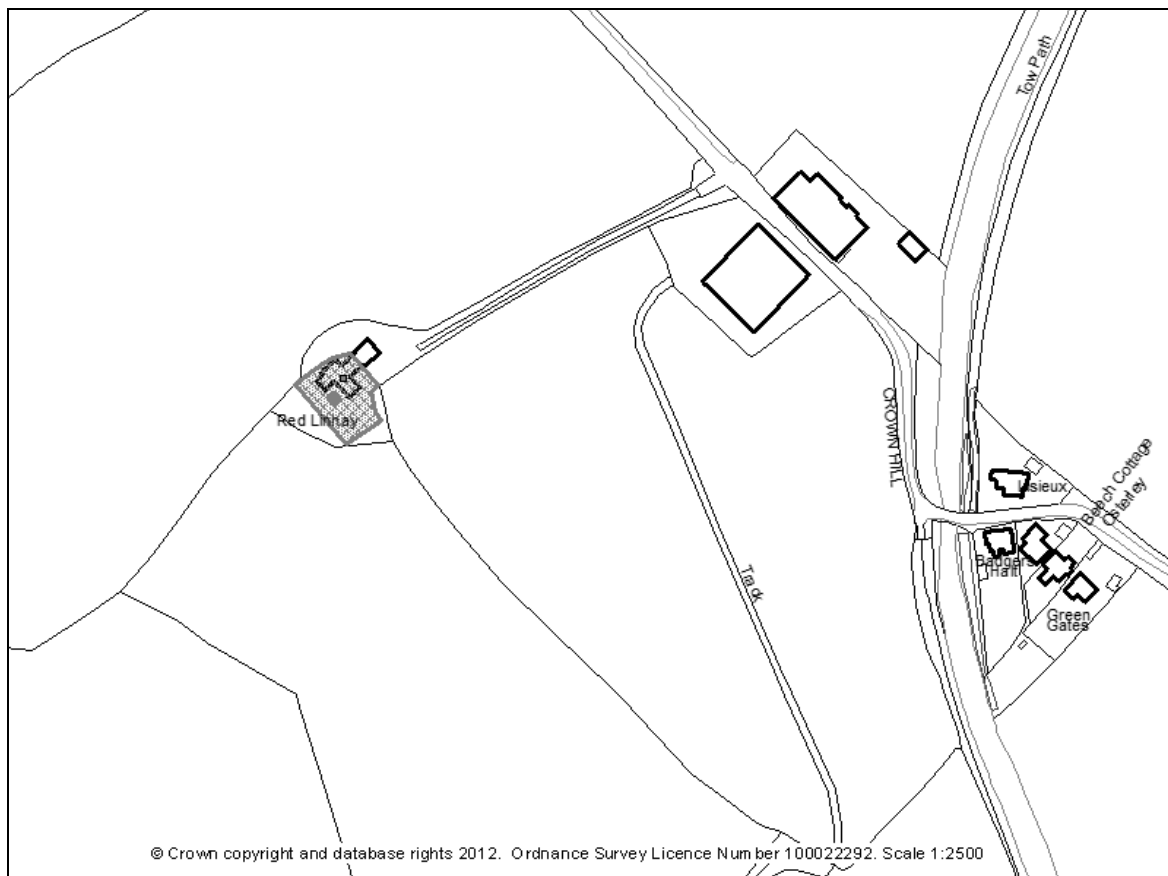
**Grid Ref:** 112789 : 299456

**Applicant:** Hartnoll Farms

**Location:** Hartnoll Farm Post  
Hill Halberton

**Proposal:** Conversion of  
redundant farm  
building to an  
agricultural workers  
dwelling

**Date Valid:** 15th May 2002



**REPORT OF THE HEAD OF PLANNING AND REGENERATION**

**99/03432/FULL - CONVERSION OF REDUNDANT FARM BUILDING  
TO AN AGRICULTURAL WORKERS DWELLING - HARTNOLL FARM  
POST HILL HALBERTON**

**Reason for Report:**

The applicant has made a request to this authority for a variation to the s106 legal agreement attached to this consent. In line with the adopted Scheme of Delegation, this request is reported to committee as the previous application was considered by Planning Committee back in 2000.

The Planning Committee considered an officer report on this matter on 22<sup>nd</sup> April 2015 but did not feel that the area of alternative land being offered ( being an area of woodland which neither equated in size or value to the area of the land being released from the agreement. Consequently Committee resolved to defer the decision to allow officers to negotiate with the owner for an area of land to be included which was of an equivalent size and quality to that being removed from the agreement. Details of the revised land being affected are set out in Paragraph 2.3.

**RECOMMENDATION(S)**

**To allow the proposed variation to the s106 (to remove one area of land and replace it with another) and instruct the Legal Services Manager accordingly**

**Relationship to Corporate Plan:**

None

**Financial Implications:**

There is no fee to the applicant for making this request, but MDDC legal fees will need to be covered by the applicant

**Legal Implications:**

A supplemental s106 agreement or Deed of Variation will be required

**Risk Assessment:**

None

**Consultation carried out with:**

1. Chair of Planning Committee

2. Vice chair of planning committee
3. Ward Member
4. Parish Council

## 1.0 **BACKGROUND**

- 1.1 Planning consent (ref: 99/03432/FULL) was granted by the Local Planning Authority for the conversion of a redundant farm building to an agricultural workers dwelling, subject to a s106 agreement tying the agricultural land which made up the holding to the dwelling so that neither could be sold off independently of the other. The dwelling the subject of that application is now known at 'Red Linhay'
- 1.2 In 2014, the Local Planning Authority granted planning consent for a 500kW anaerobic digester (AD) on land to the east of 'Red Linhay' (ref: 13/01605/MFUL). The application site is on an area of land included within the s106 agreement mentioned above and therefore the Local Planning Authority have now received a request to remove that area of land from the s106 agreement to enable it to be sold to the AD operators. The applicant has offered a further area of land for inclusion within the s106 agreement to replace it.
- 1.3 In line with the adopted procedure for dealing with these requests, the Chair and Vice Chair of Planning Committee, the Ward Member and the Parish Council have all been consulted and no objections have been received.

## 2.0 **MATERIAL CONSIDERATIONS**

- 2.1 Planning permission was granted only last year for the AD plant and therefore its provision on the site in question is accepted by the Local Planning Authority.
- 2.2 The applicant has advised that the removal of the area of land included within the AD application amounts to only 4 acres or 2.2% of the total amount of land which makes up the holding.
- 2.3 The applicant is proposing to add in an alternative area of land measuring approx. 5.94 acres in substitution for the 4 acres of land being removed. The previous area of land being offered was 3.8 acres of woodland.
- 2.4 Therefore as a consequence of the proposal, the land for which the Local Planning Authority granted planning consent for the AD plant is released and additional land incorporated, therefore the size of the agricultural holding is protected whilst allowing the development of the AD plant to proceed.

## 3.0 **RECOMMENDATION**

- 3.1 Your officers are satisfied that the removal of the area associated with the AD plant and its replacement with an area of land of a similar size will not affect the viability of the agricultural holding and therefore recommend that the Legal Services Manager be instructed to draw up the necessary Deed of Variation or supplemental s106 agreement

**Contact for any more information**

Mrs Alison Fish (ext 4266)

**Background Papers**

Application 99/03432/FULL, application 13/01605/MFUL plus correspondence from applicants solicitor in making their request

**File Reference**

99/03432/FULL

**Circulation of the Report**

Cllr Richard Chesterton  
Cllr Ray Radford