

11 MAY 2010

TOWN AND COUNTRY PLANNING ACT 1990, sect. 106A

Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

For the Council's use only

Application No.....

Date received.....

APPLICATION FOR THE MODIFICATION OR DISCHARGE OF PLANNING OBLIGATIONS

1 Applicant (in block capitals)

Name: MRS. J. BARNEY

Address: GREEN ACRE, GREEN LANE, Boston Road, SPALDING

Post Code PE 11 4PA

Tel. No: 01775 841 051

2 Agent (if any)

Name: BROWN + CO C/o Tim HUMPHREY

Address: HOLLAND HOUSE, 16 HIGH STREET, SPALDING

Post Code PE 11 1TN

Tel. No: 01775 717 888

3 Address or exact location of the land to which this application relates:

LAND at Neame Lee Nursery, GREEN LANE, BOSTON ROAD, GOSBERTON, SPALDING, PE 11 4PA

Describe here and enclose a map identifying the land to which the obligation relates.

In an 7.5 Acres of LAND which is mostly Glasshouses / Nursery.

4 Nature of applicant's interest in the land (eg owner, lessee, occupier): OWNER

5 Please give sufficient information to enable the authority to identify the planning obligation which you wish to have modified or discharged: ATTACHED 1) Planning consent

2) Section 106 agreement.

6 Please state your reasons for applying for the modification or discharge of the planning obligation identified in paragraph 5 above:

For Sale Purposes. Following the death of the owners husband the land / Nursery has been agreed to be sold. The purchaser

- 1) Has no need for a Residential Property
- 2) Cannot Satisfy the s.106 Agreement

The discharge of the s.106 Agreement will allow the Mrs J. Barney to sell the residential property (subject to an agricultural occupancy clause) to a qualifying person. Thereby enabling Mrs Barney to a more suitable property such as a bungalow in Spalding or elsewhere.

7 Please give the following information, which the authority considers necessary to enable it to determine the application, namely:

The s.106 agreement in addition to the Agricultural Occupancy clause is too restrictive in the current market place.

8 Please give any other information you consider relevant to the determination of this application (continue on a separate sheet if necessary)

The residential property (one acre) will still be subject to an Agricultural Occupancy clause; but the removal of the attached s.106 agreement will allow Mrs J. Barney to sell both elements separately.

I/We hereby apply for the modification or discharge of a planning obligation under section 160A of the Town and Country Planning Act 1990 in respect of an existing planning obligation described in this application and the documents and map which accompany it. I/We have completed the Certificate A, B or C, attached to this application, as appropriate.

Signed: 

[on behalf of] Mrs J. BARNEY
(insert name of applicant if signed by agent)

Date 8 MAY 2010

Certificate A

I certify that on the day 21 days before the date of the accompanying application the planning obligation to which the application relates was enforceable against nobody other than the applicant.

Signed 

[on behalf of] Mrs. J. BARNEY

Date 8 MAY 2010.

Certificate B

I certify that [I have] [the applicant has] given notice to everyone else against whom, on the day 21 days before the date of the accompanying application, the planning obligation to which the application relates was enforceable, as listed below.

Person on whom
notice was served

Address at which
notice was served

Date on which
notice was served

None other than the owner MRS. J. BARNEY

Signed

[on behalf of]

Date _____

Certificate C

I certify that

☐ [the applicant] cannot issue a Certificate A or B in respect of the accompanying application;

☐ [I have] ☒ [the applicant has] given notice to the persons listed below, being persons against whom, on the day 21 days before the date of the application, the planning obligation to which the application relates was enforceable.

Person on whom
notice was served

Address at which
notice was served

Date on which
notice was served

N/A

☐ [I have] ☒ [the applicant has] taken reasonable steps to ascertain the name and address of every person against whom, on the day 21 days before the date of the application, the planning obligation to which the application relates was enforceable and who has not been given notice of the application but has been unable to do so. These steps were as follows (a)

1

Notice of the application, as attached to this certificate, has been published in the (b)

on(c)

Signed

[on behalf of]

Date

Cross out any words in square brackets which do not apply

(a) description of steps taken

(b) name of local newspaper in which the notice was published

(c) date of publication.

Notice of an Application to Modify or Discharge a Planning Obligation

under section 106A of the Town and Country Planning Act 1990

(Notice to be given by applicant)

I give notice that (a) Mrs. J. Barney
is applying to the (b) South Holland District Council
to [modify][discharge] the planning obligation described below

Planning Obligation

Obligation(c): Section 106 Agreement dated 8 April 1994, in relation
to planning application H08/0444/93

Land to which obligation relates(d):

Land at Neame Lea Nursery
Green lane
Boston Road
Gosberton
SPALDING PE11 4PA

Date on which obligation was entered into(e): 8th April 1994

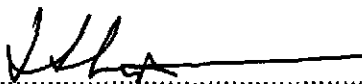
Any person against whom the planning obligation is enforceable who wishes to make
representations about this application should write to the Council at (f) South Holland District Council

by (g)

Council offices
Priority Road
Spalding
PE11 2X6

(Members of the public will be invited to make representations when the application has been
submitted to the Council)

Signed



[On behalf of]

Mrs. J. BARNEY

Date

8 May 2010

NOTES

Delete words in square brackets where inappropriate

- (a) name of the applicant
- (b) name of local planning authority to whom the application will be made
- (c) brief description of the planning obligation which the applicant wishes to have modified or discharged
- (d) address or location of the land
- (e) relevant date
- (f) address of the local planning authority
- (g) date giving period of 21 days beginning with the date of service or publication of the notice, as the case may be.