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: MR AND MRS M. NIEBURG

Address: VENTURA
HORSESHOE ROAD
SPALDING Post Code PE11 3BE

Tel. No: .....

2 Agent *(if any)*

Name: R LONESTAFF & CO LLP

Address: 5 NEW ROAD
SPALDING
LINCS Post Code PE11 1BS

Tel. No: 01775 765538

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

VENTURA, HORSESHOE ROAD SPALDING PE11 3BE

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

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

OWNERS

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

TO DISCHARGE THE PLANNING OBLIGATION THAT THE AGRICULTURAL DWELLING SHALL REMAIN PERMANENTLY PART OF THE AGRICULTURAL UNIT COMPRISING THE LAND OF WHICH IT FORMS AN INTEGRAL PART AND SHALL NOT BE OCCUPIED EXCEPT BY THE OWNER MANAGER OR AN EMPLOYEE OF THAT AGRICULTURAL UNIT

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

MR & MRS NIEBURG HAVE RETIRED [redacted] THEY WISH TO TRANSFER THE LAND UPON WHICH THE BUSINESS IS BASED TO THEIR CHILDREN. (WHO WORK IN THE BUSINESS) AND REMAIN LIVING IN THE DWELLING AS IT PERFECTLY SUITS THEIR NEEDS [redacted] ESPECIALLY WITH HAVING 2 GROUND FLOOR ROOMS CAPABLE AS USE AS BEDROOMS.

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

MR & MRS M. NIEBURG OWN THE WHOLE NURSERY AND DWELLING HOUSE. TO TRANSFER THE LAND USED BY THE BUSINESS REQUIRES THEM TO SEPARATE THE HOUSE FROM THE NURSERY. THE HOUSE HAS A SEPARATE ACCESS AND IS WELL SCREENED FROM THE NURSERY.

THEY CONSIDER THAT THE AGRICULTURAL HABITATION CONDITION THAT ALSO EXISTS AS A CONDITION OF THE PLANNING CONSENT H16-0780-93 WOULD REMAIN IN PLACE, AND THEY WILL CONTINUE TO COMPLY WITH THAT.

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

MR D. BALL THE THIRD PARTY TO THE S106 AGREEMENT, SOLD THE LAND (PARCEL B) TO THE APPLICANTS ON 12/09/1996, SO IS NO LONGER THE OWNER OF THAT LAND, AND THEREFORE NO LONGER TO BE TREATED AS A PARTY TO THE S106 AGREEMENT.

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: Rhaigh Wolff and Co LLP

[on behalf of] MR & MRS MATTHIS NIEBURG
(insert name of applicant if signed by agent)

Date 22/10/2025

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 Rhapsody and Co LLP

[on behalf of] Mr & Mrs H. Nieberg

Date 22/10/2025

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*

Signed .....

[on behalf of] .....

Date .....

Cross out any words in square brackets which do not apply

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