

Town and Country Planning Act 1990, Section 106A

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

For the Council's use only

Application No: ... A/117/11/PO ...

Date received

A/117/11/PO.

Application for the Modification or Discharge of Planning Obligations

1. Applicant (in block capitals)

Name: MR BARRY NICHOLAS BOXALL

Address: LANSDOWNE, MAUFLOWER WAY

ANGLERING, LITTLEHAMPTON

WEST SUSSEX Post Code BN16 4AN

Tel. No:

2. Agent (if any)

Name: MR JAMES CHARK

Address: THOMAS ECCAR LLP

BELMONT HOUSE, STATION WAY

CRAWLEY, WEST SUSSEX Post Code RH10 1JA

Tel. No: [REDACTED]

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

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

LANSDOWNE NURSERY, MAUFLOWER WAY, OFF ROUNDSTONE LANE,
ANGLERING, LITTLEHAMPTON, WEST SUSSEX

(THE COAM 552 AGREEMENT DATED 7 JUNE 1983 CONTAINS PLAN OF THIS LAND)

4. Nature of applicant's interest in the land (e.g. 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:

SECTION 52 AGREEMENT BETWEEN ARUN DISTRICT COUNCIL
AND BN BOXALL DATED 7 JUNE 1983 (COAM ENCLOSED)

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

OUR CLIENT ENTERED INTO A PLANNING OBLIGATION UNDER S106 OF THE TOWN & COUNTRY PLANNING ACT 1990 WITH ARUN DISTRICT COUNCIL & WEST SUSSEX COUNTY COUNCIL. THAT AGREEMENT IS DATED 13 FEBRUARY 2006 (COPY ENCLOSED). YOU WILL NOTE AT CLAUSE 12 OF THIS AGREEMENT A PREVIOUS S52 AGREEMENT DATED 9 NOVEMBER 1982 (COPY APPENDED TO 2006 AGREEMENT) WAS DISCHARGED BY THIS AGREEMENT. THE S52 AGREEMENT DATED 1982 & THE AGREEMENT DATED 1983, WHICH WE ARE APPLYING TO BE DISCHARGED, CONTAIN THE SAME PLANNING OBLIGATION. THAT PLANNING OBLIGATION PREVENTS OCCUPATION OF THE LAND BY SOMEONE WHO IS NOT AN AGRICULTURAL WORKER. IT APPEARS THEREFORE THAT THE 2006 S106 AGREEMENT SHOULD ALSO HAVE REMOVED THE S52 AGREEMENT FROM THE

ARUN DISTRICT COUNCIL HAS APPROVED DEVELOPMENT FOR THE ERECTION OF 15 x 2/3 BEDROOM HOUSES UNDER PLANNING APPLICATION REF A/114/04. THE PLANNING OBLIGATION CONTAINED IN THE 1983 S52 AGREEMENT IS REFERRED TO IN THE LOCAL LAND CHARGES REGISTER & THIS NEEDS TO BE REMOVED BEFORE THE HOUSES BUILT UNDER THE PLANNING PERMISSION CAN BE SOLD.

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

I/We hereby apply for the modification or discharge of a planning obligation under Section 106A 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] MR. BARRY NICHOLAS BOXALL (insert name of applicant if signed by agent)

Date 21/07/2011

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] MR. BARRY NICHOLAS BOXALL

Date 21/07/2011

Certificate B

I certify that [I have] [the applicant has] given notice to everyone else 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
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Signed

[on behalf of]

Date

Cross out any words in square brackets which do not apply

Certificate C

I certify that

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

[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)

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

DATA PROTECTION

The information contained in this form will be used by Arun District Council for the purposes indicated and will be further used or transferred to other organisations or individuals, only as the law permits.