



Planning and Sustainable Development

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Householder Team	Planning and Sustainable Development, Cornwall Council, Dolcoath Avenue, Camborne, TR14 8SX

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) **THE TOWN AND COUNTRY PLANNING (MODIFICATION AND DISCHARGE OF PLANNING OBLIGATIONS) REGULATIONS 1992**

APPLICATION FOR THE MODIFICATION OR DISCHARGE OF A PLANNING OBLIGATION

(FOUR COPIES OF THIS FORM SHOULD BE COMPLETED AND SENT WITH FOUR COPIES OF A PLAN IDENTIFYING THE LAND TO WHICH THE OBLIGATION RELATES EDGED IN RED)

1. Applicant Name and Address

Clare Marie Hall
11 Vyvyans Court
Tuckingmill
Camborne

Post Code TR14 8PF

Tel No. [REDACTED]

E-mail [REDACTED]

2. Agent Name and Address

Post Code

Tel No.

E-mail

3. State applicant's interest in land, e.g. owner, lessee, occupier Lessee

4. Address or location of the land to which this application relates

Flat 11
Pendarves House
Vyvyans Court
Tuckingmill
Camborne
TR14 8PF

5. Details of the planning obligation to which the obligation relates

a) Application reference number PA04/01490/F

b) Date of obligation 19/04/2005

c) Applicant Name Affordable Homes of Cornwall 2004 Ltd

d) Proposed development

Residential Development - North Roskear Meadow, North Roskear, Camborne

6. Please state applicant's reasons for applying for the modification or discharge of that obligation

I wish for all of Part III of the Third Schedule of the Section 106 Agreement 19th April 2005 to be discharged in full and for consent to be given allowing the Property to be sold on the open market, without restrictions/conditions.

I am having difficulty selling the property because of the affordable dwelling restrictions contained within the abovementioned Section 106 Agreement. I have attempted to sell the Property, and recently had a buyer, who was a qualifying person. However, the buyer's solicitor was unable to proceed as they said that the existing Section 106 Agreement was not compliant with the buyer's mortgage lender requirements.

With the cooperation of Affordable Housing Team at Cornwall Council, I, and my Solicitors, have attempted to have Section 106 Agreement varied to enable it to be mortgage lender compliant, and unfortunately, the freeholder is refusing to enter into any Deed of Variation, despite repeated requests.

7. Please give any other information you consider relevant to the determination of this application

(continue on a separate sheet if necessary)

I find myself in a position where I am now trapped in a Property I no longer want to live in, and unless the affordable restrictions are discharged I am unable to sell the property and move on with my life elsewhere. It is effectively making my property worthless as I am unable to sell the Property to anyone who requires a mortgage.

8. I/~~We~~ hereby apply for the modification or discharge of the planning obligation described in this application

Signed 

Date 12.10.2023

On behalf of

(insert applicant's name if signed by agent)

Data Protection Act 1998

Cornwall Council confirms that it will at all times comply with the provisions and obligations applicable to it under the Data Protection Act 1998. Cornwall Council is a Data Controller under the Data Protection Act. We hold information for the purposes specified in our notification to the Information Commissioner and may use this information for any of them. We may get information about you from others, or we may give information to them. If we do it will only be as the law permits, to check the accuracy of information, prevent fraud, detect crime or to protect public funds.

Freedom of Information Act 2000

Cornwall Council as a Public Authority is subject to the provisions of the Freedom of Information Act 2000. The Freedom of Information Act will apply to the Council from the 1st January 2005. Under the Act certain confidential or commercially sensitive information supplied to the Council will, in response to a request for information under the Act, be examined in light of exemptions provided for in the Act. In the event that information supplied to the Council is disclosable under the Freedom of Information Act, then the Council will be entitled to disclose such information. If you have any concerns in relation to this clause you should seek independent legal advice.

NOTICE OF AN APPLICATION TO MODIFY OR DISCHARGE A PLANNING OBLIGATION UNDER SECTION 106A OF THE TOWN AND COUNTRY PLANNING ACT 1990

- (1) An application for the modification or discharge of a planning obligation shall give notice of the application to any person (other than the applicant) against whom, on the day 21 days before the date of the application, the planning obligation is enforceable and whose name and address is known to the applicant.
- (2) In order to comply with paragraph (1), the applicant shall take all reasonable steps to ascertain the name and address of every such person
- (3) Where the names and addresses of all such persons are not known to the applicant after he/she has taken all reasonable steps to ascertain that information, he/she shall, during the 21 day period immediately preceding the application, publish notice of the application in a local newspaper circulating in the locality of the land to which the application relates.
- (4) The notice required to be served or published by this regulation shall be in this form set out in the box below and shall invite representations within 21 days of the date on which the notice is served or published, as the case may be.

(Notice to be given by applicant)

I give notice that (a)
is applying to the (b)
to modify/discharge* the planning obligation described below

Planning Obligation

Obligation: (c)
Land to which obligation relates: (d)
Date on which obligation was entered into: (e)

+ Any person against which the planning obligation is enforceable who wishes to make representations about this application should write to the Council at (f) by (g). (Members of the public will be invited to make representations when the application has been submitted to the Council).

Signed

*On behalf of

Date

*delete as appropriate

NOTES

Insert:-

- (a) name of the applicant
- (b) name of the 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.

Regulation 4 – Certificate that Notice has been given or is not required

An application for the modification or discharge of a planning obligation shall be accompanied by one of Certificates A, B or C set out below certifying that the requirements of Regulation 4 have been satisfied.

CERTIFICATE OF COMPLIANCE WITH THE NOTIFICATION REQUIREMENTS IN REGULATION 4

***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

Date 12.10.2023

*delete as appropriate

OR

***Certificate B**

I certify that 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

*delete as appropriate

OR

***Certificate C**

I certify that:

- the applicant cannot issue a Certificate A or B in respect of the accompanying application;
- 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*

- The applicant has taken reasonable steps to ascertain the name and address of every person against whom, on the 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

*delete where appropriate

NOTES

Insert-

- (a) description of steps taken
- (b) name of local newspaper in which the notice was published
- (c) date of publication

