

**Planning Services  
Development  
Management**  
Phoenix House  
Phoenix Lane  
Tiverton  
Devon  
EX16 6PP

## Application to modify or discharge a section 106 Planning Obligation

Please read the accompanying notes to help you complete this form.

Complete the form in block capitals using black ink.

Please use this form when applying for the modification or discharge of a planning obligation within Mid Devon District Council.

For further information refer to the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992.

### 1. Type of application

Are you applying to **modify** a planning obligation







Yes

Yes

Are you applying to **discharge** a planning obligation

No

No

2. Your details	3. Agent details if applicable
Name: Mr and Mrs Nigel Worsnop	Name: Steve Eastland
Address: Cottage Garden Nursery Morchard Bishop CREDITON EX17 6NG	Address: Design Ltd The Old Farmhouse, Orway Kentisbeare Devon EX15 2EX
Postcode: 	Postcode: 
Email Address: 	Email Address: 
Telephone Number: 	Telephone Number: 

4. Full postal address of the site to which the obligation relates:
Cottage Gardens Nursery Morchard Bishop CREDITON EX17 6NG

**5. Nature of the applicant's interest in the land:**

Owner

**6. Please provide sufficient information to enable us to identify the planning obligation (planning reference numbers, etc):**


13/01451/FULL

**7. What reason(s) do you have for applying for the modification or discharge of the obligation?**

The request for the removal of the S106 agreement is based on significant changes in circumstances that have impacted on the viability of the horticultural business and therefore the s106 agreement is no longer serving a useful purpose.

The agricultural dwelling proposed on the site is otherwise protected by condition.

**Declaration TO BE COMPLETED BY ALL APPLICANTS**  
 I/we hereby apply for the modification or discharge of planning obligation under Section 106A of the Town & Country Planning Act 1990 in accordance with the details above, and the submitted plan(s) and documents

Signed – Applicant:	Or signed – Agent:	Date (DD/MM-YYYY)
	[REDACTED]	14/12/2023

Checklist:	Please tick
A) 1 copy of this form signed and dated	✓ y
B) 1 copy of a map identifying the land to which the obligation relates	✓ y
C) 1 copy of such other information as you consider relevant to the determination of the application	✓ y
D) 1 copy of the completed ownership certificate (A, B or C whichever is appropriate) and notice (if appropriate)	✓ y

**Certificate A**

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

Signed



Date 14/12/2023

(delete where appropriate) on behalf of

Mr and Mrs Worsnop

**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 related was enforceable as listed below:

Person on whom notice served    Address which notice was served    Date which notice was served

Person on whom notice served	Address which notice was served	Date which notice was served
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

Signed

Date

(delete where appropriate) on behalf of

**Certificate C**

I certify that:

- The applicant cannot issue a Certificate A or B in respect of the accompanying application: (\*delete where appropriate) the applicant has given notice to the person(s) 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 served    Address which notice was served    Date which notice was served

Person on whom notice served	Address which notice was served	Date which notice was served
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

**Certificate C**

I certify that:

- The applicant cannot issue a Certificate A or B in respect of the accompanying application: (\*delete where appropriate) the applicant has given notice to the person(s) 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.

.....  
.....

- The applicant has taken all reasonable steps to find out 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.

These steps are as follows:

(describe the steps taken)

.....

- Notice of the application, as attached to this certificate, has been published in the local paper on (enter date of publication) .....

Signed .....

Date .....

(delete where appropriate) on behalf of

.....

# NOTICE

## Notice of an application to modify or discharge a planning obligation Under Section 106A of the Town and County Planning Act 1990

I give notice that (insert name of applicant) MU

Is apply to Mid Devon District Council to modify the planning obligation described below:

### Planning obligation

Obligation: (brief description of the planning obligation which the applicant wished to have modified or discharged)

Land to which the obligation relates: (address or location of the land)

Date of which obligation was entered into: (relevant date)

Any person whom the planning obligation is enforceable who wished to make representation about this application should write to Planning Services, Development Management, Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP (enter date giving a period of 21 days with the date of service of publication of the notice as the case may be).

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

Signed ..... Date

(delete where appropriate) on behalf of  
.....