

COPELAND BOROUGH COUNCIL

**Application to modify or discharge a planning obligation  
agreed under S106 of the Town and Country Planning Act 1990**

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

**1. Applicant Name and Address**

Title:  First name:   
Last name:   
Address:   
  
  
  
  
Phone No:   
Mobile No:   
Email:

**2. Agent Name and Address**

Title:  First name:   
Last name:   
Address:   
  
  
Phone No:   
Mobile No:   
Email:

**3. Site Location Details**

Please provide the full postal address or location of the site to which this application relates:

Address:

Description of location or a grid reference.  
(must be completed if postcode is not known):

Easting:  Northing:

Description:

**4. Pre-application Advice**

Have you received pre-application advice about this application? ☐ Yes ☒ No

Officer name:

Reference:  Date (DD/MM/YYYY):

Details of pre-application advice received:

**5. Authority Member/Employee**

Are you a member of staff, an elected member, related to a member of staff or related to an elected member of the LDNPA? ☐ Yes ☒ No

If Yes, please provide details of the name, relationship and role

## 6. Details of the Planning Obligation to which this application relates

Please provide sufficient information to enable the Authority to identify the planning obligation to which this application relates:

Planning Application Reference No:

4/05/2383/0

Planning Obligation/S106 Reference No:

Date of Decision:

04/11/2005

Date of Agreement: 2005

Any other information necessary to identify the planning obligation to which this application relates:

## 7. Details of the Modification/Discharges Sought

Please provide details of the modification/discharges sought under this application, including reasons why these changes are proposed (you can append any additional related information to this application form):

My wife and I converted the milking parlour into a holiday cottage which was quite successful. My son and his partner discovered they were having a child and had nowhere to live and we allowed them to rent the holiday cottage. My son applied for planning permission to build a separate dwelling on part of our land but permission was refused. He has since applied to extend the Cottage as they now have two children and the cottage isn't big enough. He has been paying Council Tax on the property since he moved in approx 2015. Prior to that whilst the property was used as a holiday cottage, we received business rate relief and paid no contribution. We wrote to the Council informing them of the change of use from a holiday let to a dwelling when my son moved in and we thought that was all that was required. My son then applied for planning permission to extend the cottage and your planning officer has informed us we are in breach of the S106 Agreement. We therefore wish to apply for the S106 to be rescinded.

## 8. Certificates

You must complete one of the following certificates:

### 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:

Date (DD/MM/YYYY):

25/08/2020

### 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:

Date (DD/MM/YYYY):

### Certificate C

I certify that:

- (a) The applicant cannot issue a Certificate A or B in respect of the accompanying application;
- (b) 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

- (c) 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 been given notice of the application but has been unable to do so. These steps were as follows:

- (d) Notice of the application, as attached to this certificate, has been published as follows [newspaper and date]:

Signed:

Date (DD/MM/YYYY):

## 9. Declaration

I hereby confirm that I am the person against whom the planning obligation of which we seek modification/discharge is enforceable, and the information contained in this application is, to the best of my knowledge, accurate.

Signed:

Date (DD/MM/YYYY):

25/08/2020

## 10. Checklist

Completed application form:



Map identifying the land to which the obligation relates:



Any other relevant information:



