

Application Form: Sections 106A and 106B of the Town and Country Planning Act 1990 (as amended)

For applications to modify or discharge a planning obligation (s106A) and appeals against refusal/non-determination (s106B).

1. Applicant / Appellant Details

If an agent is appointed, provide both applicant and agent details. Correspondence will be sent to the agent unless you indicate otherwise.

Applicant/Organisation name:	David B Crowson.
Contact name and role:	David Crowson (Flat Owner)
Postal address:	18 Mayflower Court Mayflower Close Markfield Leicestershire LE67 9ST
Email:	
Telephone:	
Agent (if applicable) – name/firm:	
Agent email/telephone:	

2. Site and Local Planning Authority (LPA)

Site address (including postcode):	Flat 10 Twyford Court Arthur Street Barwell Leicestershire LE9 8EG
Planning application reference:	
LPA name:	Hinckley & Bosworth
Original planning permission date:	<u>17 / 12 / 1989</u>
Title number(s) (if known):	

3. Planning Obligation to be Modified or Discharged (s106A)

Identify the planning obligation precisely. Attach a copy of the executed agreement and any deeds of variation as Annex A.

Date of Section 106 Agreement / Deed: 17 / 12 / 1989

Parties to the Agreement: Hinckley & Bosworth Borough Council
And
T. Jones
Trading as Jones Building Services
Obligation clause number(s): The Second Schedule. Number 1.

Land to which the obligation relates: _____

Registered local land charge ref (if known): _____

4. Nature of Request

Select one. For multiple obligations, complete a separate subsection for each or append a schedule.

- ☐ Discharge the obligation entirely
- ☒ Modify the obligation (set out precise modification below)

Proposed wording of modification (if applicable):

The restriction set out in clause I of the second schedule to the principal agreement shall not apply to Flat 10 Twyford Court Arthur Street Barwell.

5. Statutory Grounds and Justification

Provide a clear statement addressing the statutory tests (including whether the obligation is no longer serving a useful purpose, or would continue to do so subject to modification). Reference relevant evidence and attach as Annexes.

Ground(s) relied upon (s106A(6)): _____

Summary of reasons: No longer relevant, Obsolete

Detailed justification: The original need for this restriction is no longer relevant after all but three flats have already had the restriction removed making it obsolete and no longer serves a benefit. The flats are now occupied by a wide variety of age groups.

6. Deliverability, Viability and Implementation

If viability is cited, include an appraisal and methodology. If proposing alternative mitigation, provide delivery mechanisms, triggers, and responsibilities.

Viability appraisal submitted? ☐ Yes ☐ No ☐ N/A

Independent review sought? ☐ Yes ☐ No

Phasing/trigger changes proposed? ☐ Yes ☐ No

Summary of proposed delivery/trigger changes:

7. Consultation and Engagement

Outline engagement with the LPA, Parish Council, statutory consultees, and affected stakeholders. Provide evidence of consultation where relevant.

8. Current Compliance Status

Confirm whether obligations have been complied with in whole or in part, including any payments made, land transfers completed, or on-site works delivered.

Summary of compliance to date: _____

Outstanding triggers/events: _____

Supporting evidence annexed? ☐ Yes ☐ No

9. Interactions with Other Statutory Requirements (if relevant)

E.g., Biodiversity Net Gain (BNG), CIL, highways agreements, affordable housing, or environmental permits. Explain any dependencies or conflicts.

10. Decision Sought and Draft Deed

State precisely the decision sought. Where seeking a modification, provide draft operative wording or attach a draft deed of variation (Annex B).

Decision sought:

Restriction removed

Draft deed/wording attached?

☒ Yes ☐ No

11. Appeal Under Section 106B (if applicable)

Complete this section only if the LPA has refused the s106A application or failed to determine it within the statutory period.

LPA decision date (if refused):

___ / ___ / ____

Date application was received by LPA:

___ / ___ / ____

Grounds of appeal:

Appeal reference (if known):

Appellant's full statement of case:

12. Declarations

By signing, you confirm that the information provided is true and complete to the best of your knowledge and that you have authority to act for all persons with an interest in the land bound by the obligation.

Name:

David B Crowson

Role/Capacity:

Flat owner

Organisation (if applicable):

Date:

___ / ___ / ____

Signature: _____

Submission Checklist (tick as appropriate)

- ☐ Completed and signed application form
- ☐ Copy of executed Section 106 agreement and any deeds of variation (Annex A)
- ☐ Draft deed of variation / proposed wording (Annex B, if seeking modification)
- ☐ Plan identifying the land to which the obligation relates
- ☐ Supporting evidence (e.g., viability appraisal, delivery plan, correspondence)
- ☐ Schedule of compliance to date and outstanding triggers
- ☐ Evidence of consultation/engagement (where relevant)

Notes and Guidance (non-exhaustive)

- This form is intended to assist with applications under Section 106A to modify or discharge a planning obligation and appeals under Section 106B. It does not constitute legal advice.
- Time periods: An LPA must determine a s106A application within the statutory period. If refused or not determined in time, an appeal may be made to the Secretary of State under s106B.
- Statutory tests: The decision-maker will consider whether the obligation no longer serves a useful purpose, or would continue to do so subject to the proposed modification (s106A(6)).
- Attach all relevant documents and evidence. Incomplete submissions may delay determination.

Disclaimer: This template is provided for general use by applicants, LPAs, and agents. Parties should seek their own legal advice on the drafting and enforceability of any deed of variation or related instruments.