

TO SUBMIT

PLAN NO. 16/54/93652/L		
DATE LODGED		
RECEIPT NO.		FEE RECEIVED
CASH	CHEQUE	OTHER
KIRKLEES COUNCIL - RESPONDING TO THE RECESSION VALIDATION CHECKLIST: SUPPLY 1 COPY (PLUS THE ORIGINAL)		

Application Form to Modify or Discharge a Section 106 Obligation. Town and Country Planning Act 1990.

Publication of planning applications on council websites

Please note that with the exception of applicant contact details and Certificates of Ownership, the information provided on this application form and in supporting documents may be published on the council's website.

If you have provided any other information as part of your application which falls within the definition of personal data under the Data Protection Act which you do not wish to be published on the council's website, please contact the council's planning department.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Application Type

Please Tick

Are you applying to **modify** a planning obligation(s)?

☐

Are you applying to **discharge** a planning obligation(s)?

☒

2. Application Name and Address

Title:	MR	First Name:	MARION
Last Name:	HIRSE		
Company (Opt)			
Unit:		House Number:	
		House Suffix:	
House Name:	SMITHFIELD HOUSE		
Address 1:	SANDLES MOOR ROAD, HOLMFIRTH		
Address 2:			
Address 3:			
County:			
Country:			
Postcode:	HD9 1RU		

3. Agent Name and Address

Title:	MR	First Name:	MICHAEL
Last Name:	CLYNCH		
Company (Opt)			
Unit:		House Number:	
		House Suffix:	
House Name:			
Address 1:	14 HUDDERSFIELD ROAD		
Address 2:	INGBIRCH WORTH		
Address 3:			
County:	S. YORKS.		
Country:	ENGLAND		
Postcode:	S36 7GF		

4. Address (to which obligation relates)

Unit: House Number: House Suffix:

House Name:

Address 1:

Address 2:

Address 3:

County:

Postcode:

5. Nature of Applicant's Interest in Land

Owner ☒ (PART OWNER)
FAMILY OWNED

Occupier ☐

Other ☐

If other, please specify:

6. Other Parties with Interest in Land

Name	Address	Nature of Interest
JEAN HIRST	LOWER SMITHFIELD SMITHFIELD POULTRY FARM HD9 1RU	PART OWNER

7. Details of Planning Application

Application reference:

Date of Decision:

Description of Application:

ERECTOR OF A DETACHED DWELLING
AND DOUBLE GARAGE

8. Details of Planning Obligation(s) to be Modified or Discharged

SECTION 52 AGREEMENT DATED 15 JULY 1988
(COPY OF AGREEMENT + CONDITIONS RESTRICTING USE OF BUILDINGS + SITE
ATTACHED)
THE PROPOSAL IS TO SET-ASIDE THIS SECTION 52 AGREEMENT.

9. Reasons for modification or discharge of planning obligations(s)

- 1) Smithfield Poultry Farm, which operated from approximately 6 acres of land at Scholes Moor Road, no longer exists as a business enterprise. The owner of the house, approved in 1988 to base the management of the enterprise, and signatory to the relevant Section 52 agreement, died approximately 5 years ago. The widow is in her eighties and still lives in the house.
- 2) It is 11 years since chickens were on the site and 7 years since any business activity dealing in eggs and wholesale business took place. The buildings on site are both redundant and in poor structural condition. The owning family are considering possible future use of the site including a possible housing allocation.
- 3) The elderly occupant of the house is unlikely to extend her driving licence when it soon expires which will create a difficult personal situation as she will be unable to access shops and facilities and it will mean a relocation to a more convenient future home, probably in Holmfirth or Scholes, where contact can be maintained with her close family members.
- 4) The redundant Section 52 Agreement would prevent the normal route to sell the property on the market to fund such a move as sale could only occur if the new owner is employed or was last employed locally in agriculture or forestry (part 1 of schedule) Furthermore, the whole or substantial part of the associated land and (derelict) chicken buildings would also have to be purchased (part 2 of schedule).
- 5) The land contains two other family owned homes with their curtilages closely bound to the land which will ultimately be inherited by younger family members and it is unreasonable to force the sale of the land no longer in any agricultural use to other unidentified parties.
- 6) The wages of agricultural and forestry workers nationally could not support the reasonable purchase price of the house and associated acres. The re-use of the considerable built over areas would not be economically viable and base removal and demolition costs would be prohibitive for general agricultural reinstatement.
- 7) Para 22 of the NPPF requires the avoidance of long term protection of sites allocated for employment use (or in this case agricultural management) where there is no reasonable prospect of a site being used for that purpose. Applications for alternative land uses of land or buildings should be treated on their merit having regard to market signals and the relative need for different land uses to support sustainable local communities, in this case, a contribution to market housing in the area.

- 8) The house requested to be released from the Section 52 Agreement, exists and was built almost 3 decades ago when the owner's circumstances were very different. There will be no new impact in Green Belt. The buildings currently on site share access areas with other domestic properties with curtilages interlocking with land which under the terms of the 1988 Agreement has to be sold alongside the house.

The early arrangement is no longer appropriate or relevant to the current ownership pattern and would cause major financial and management difficulties for the family on site. It is requested that the 1988 Agreement is rescinded and the owners be allowed to examine a realistic pattern of future use when the house is sold.

9. Reasons for Modification or Discharge of Planning Obligation(s)

SEE ATTACHED.

10. Applicant Contact Details

Telephone Numbers:

Country Code:

National Number:

Country Code:

Mobile Number (Optional):

Country Code:

Fax Number (optional):

Email:

11. Agent Contact Details

Telephone Numbers:

Country Code:

National Number:

Ext

Country Code:

Mobile Number (Optional):

Country Code:

Fax Number (optional):

Email:

12. Certificates

One Certificate A, B, or C must be completed with this application form

CERTIFICATE OF OWNERSHIP - CERTIFICATE A

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

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 - Applicant:

On:

Date (DD/MM/YYYY)

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CERTIFICATE OF OWNERSHIP - CERTIFICATE B

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

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 served	Address where notice was served	Date Notice Served
JEAN HIRST	SMITHFIELD POULTRY FARM LOWER SMITHFIELD	01/08/2016

Signed - Applicant:

On behalf of (if applicable)

Date (DD/MM/YYYY)

			25/10/2016
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CERTIFICATE OF OWNERSHIP - CERTIFICATE C

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify that (delete where not applicable):

- 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 accompanying application, the planning obligation to which the application relates was enforceable

Person on whom notice served	Address where notice was served	Date Notice Served

the applicant has taken all 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: (describe the steps taken)

notice of the application, as attached to this certificate, has been published in the appropriate newspaper on (enter name and date of publication)

Signed - Applicant:

On behalf of (if applicable)

Date (DD/MM/YYYY)

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14. Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

2 copies of a completed and dated application form:



2 copies of a plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North:



2 copies of other plans and drawings or information necessary to describe the subject of the application:



15. Declaration

Signed - Applicant:

On behalf of (if applicable)

Date (DD/MM/YYYY)

25/10/2016

[date cannot be pre-application]