Horsham District Council

For Official Use Only	
App No	
Date	
Fee	

Planning Department
Horsham District Council
Park Side, Chart Way
Horsham
West Sussex RH12 1RL

Tel: (01403) 215187
e-mail: planning@horsham.gov.uk

Application for the Modification or Discharge of Planning Obligations

Town and Country Planning Act 1990 (Section 106A)
Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

Publication of applications on planning authority websites:
Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using BLOCK CAPITALS and in black ink
It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. What are you applying for?

Modification of Planning Obligations [ ] Discharge of Planning Obligations [X] (please tick one)

Is the Obligation more than 5 years old?:	Yes	No	Date Obligation was signed:
	[ ]	[X]	22 JANUARY 2024

2. Applicant Name & Address

Title:	MR & MRS	First name:	GEORGE & CHLOE
Last name:	RICE		
Company (optional):			
Address 1:	16 RIVERSIDE		
Address 2:	CODMORE HILL		
Address 3:			
Town:	PULBOROUGH		
County:	WEST SUSSEX		
Postcode:	RH20 1FJ		
Tel. No:	C/O AGENT		
E-mail:	C/O AGENT		

3. Agent Name and Address (if any)

Title:	MR	First name:	HENRY
Last name:	WAGSTAFF		
Company (optional):	WILBURY PLANNING LTD		
Address 1:	SUITE 12, SECOND FLOOR		
Address 2:	VANTAGE POINT		
Address 3:			
Town:	BRIGHTON & HOVE		
County:	EAST SUSSEX		
Postcode:	BN1 4GW		
Tel. No:	[redacted]		
E-mail:	[redacted]		

4. Address of the Site

Please describe the precise location of the land or building(s) to which this application relates:

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LAND ADJACENT TO RAYDON, LORDINGS LANE, WEST CHILTINGTON, WEST SUSSEX RH20 2QU (THE "SITE", SHOWN EDGED RED ON THE DEVELOPMENT SITE PLAN AT SCHEDULE 1 OF THE SECTION 106 AGREEMENT).

AND

16 RIVERSIDE, CODMORE HILL, PULBOROUGH, WEST SUSSEX RH20 1FJ (THE "OFFSETTING LAND", SHOWN EDGED RED ON THE OFFSETTING LAND PLAN AT SCHEDULE 2 OF THE SECTION 106 AGREEMENT).

5. Description of Planning Obligation

Please provide the information requested:

S/106 number: LEGAL REF: SMS/2697 (SECTION 106 AGREEMENT DATED 22 JANUARY 2024)

Related Planning Permission Ref: DC/21/2875

Names of all parties to the Obligation (continue on another sheet if necessary):

Name: CATHERINE THERESA STEELE (THE OWNER)

Name: GEORGE JOSEPH RICE AND CHLOE MICHELLE RICE (THE THIRD PARTY LANDOWNERS)

Name: BARCLAYS BANK PLC (THE MORTGAGEE)

Name: HORSHAM DISTRICT COUNCIL (THE COUNCIL)

6. Please state why you are applying for the modification or discharge of the planning obligation identified above.

The applicants seek the discharge of the Section 106 Agreement dated 22 January 2024 in its entirety.

The Agreement was entered into for the sole purpose of securing water neutrality, in accordance with Natural England's Position Statement of September 2021 (recital 1.9). Its obligations (Schedules 4 and 5) require the approval of a Water Neutrality Strategy before Commencement, and the implementation and retention in perpetuity of Offsetting Measures at 16 Riverside. It secures no other planning obligation.

Natural England withdrew its Position Statement on 31 October 2025, and the Environment Agency varied the Hardham groundwater abstraction licence on 09 October 2026. The Council's water neutrality webpage confirms that the matter of water neutrality has been resolved and that it is no longer necessary for planning assessment to consider it. The Council's Joint Statement with West Chiltington Parish Council (19 December 2025) confirms that no Section 106 clause is any longer required to demonstrate water neutrality.

The obligations therefore no longer serve a useful purpose, and no longer meet the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended). The full justification is set out in the Supporting Statement dated 21 October 2026.

Attach an additional sheet if necessary

7. Please provide any additional information that you consider relevant to the determination of this application.

1. A Section 73 application for the variation of Condition 1 and the removal of Condition 3 (water neutrality) attached to planning permission DC/21/2875 has been submitted to the Council (Planning Portal ref: PP-15314550). This application should be read alongside it.

2. As the Agreement was signed less than five years ago, the applicants request that the Council agrees to the discharge by agreement with the parties under Section 106A(1)(a) of the Town and Country Planning Act 1990, and that it is completed by a deed of release in parallel with the Section 73 application.

3. Planning permission DC/21/2875 must be begun before 23 January 2027, and paragraphs 1 and 2 of Schedule 4 of the Agreement prevent Commencement of Development until a Water Neutrality Strategy has been approved. An early decision is therefore respectfully requested.

Attach an additional sheet if necessary

8. Please state the nature of the applicant's interest in the land.

The applicants are the registered proprietors of the Offsetting Land at 16 Riverside, Codmore Hill, Pulborough (title WSX322056), and are parties to the Agreement as the Third Party Landowners. They are also the applicants for planning permission DC/21/2875 and the Section 73 application (PP-15314550). The Site (title WSX290171) remains in the ownership of Catherine Theresa Steele, on whom notice has been served (Certificate B).

9. Declaration TO BE COMPLETED BY ALL APPLICANTS

I/we hereby apply for the modification or discharge of a planning obligation under section 106A of the Town & Country Act 1990 in accordance with the details above, and the submitted plan(s) and documents

I/we have completed a certificate (either certificate A, B, or C as appropriate) and attached it to this application.

Signed [redacted] Henry Wagstaff (Agent)

On behalf of MR & MRS G. RICE
(insert applicant's name if signed by agent)

Date 09/11/2026

Town and Country Planning Act 1990 (Section 106A)

Town and Country Planning (Modification and Discharge of Planning Obligations) Regulatins1992

CERTIFICATE UNDER REGULATION 4

CERTIFICATE A

I certify that:

1. 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 .....

*On behalf of .....

OR

CERTIFICATE B

I certify that:

1. ~~I have /~~ The applicant has* given the required 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:

Name of person on whom notice served	Address at which notice was served	Date on which notice was served
CATHERINE THERESA STEELE	RAYDON, LORDINGS LANE, WEST CHILTINGTON, PULBOROUGH RH20 2QU	09/11/2026
BARCLAYS BANK PLC	1 CHURCHILL PLACE, LONDON E14 5HP	09/11/2026

SIGNED [redacted] Henry Wagstaff (Agent) DATE 09/11/2026

*On behalf of MR & MRS G. RICE

NOTES

* Delete where inappropriate

OR

(P.T.O.)

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CERTIFICATE UNDER REGULATION 4

CERTIFICATE C

I certify that:

1. I / The applicant* cannot complete a Certificate A or B in respect of the accompanying application;

2. I have / 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.

Name of person on whom notice served	Address at which notice was served	Date on which notice was served

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3. I have / The applicant has* taken reasonable steps to ascertain the name and address of every person whom, on the day 21 days before the date of the accompanying application, the planning obligation to which the application relates was enforceable and who has not been given notice of the application: These steps were as follows: (a)

Notice of the application to modify or discharge a planning obligation has been published on the (b)

In the (c) (attach a copy of the notice).

SIGNED ..... DATE .....

*On behalf of .....

NOTES

* Delete where inappropriate

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

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Notice of an Application to Modify or Discharge a Planning Obligation

I GIVE NOTICE that (a) MR GEORGE JOSEPH RICE AND MRS CHLOE MICHELLE RICE

is applying to HORSHAM DISTRICT COUNCIL to ~~modify /~~ discharge* the planning obligation described below:

PLANNING OBLIGATION

Obligation description: (b) Discharge in its entirety of the Section 106 Agreement (Legal Ref: SMS/2697) relating to planning permission DC/21/2875, which secures water neutrality obligations, comprising the submission and approval of a Water Neutrality Strategy before commencement of development, and the implementation and retention in perpetuity of water offsetting measures at 16 Riverside, Codmore Hill, Pulborough RH20 1FJ.

Address of site: (c) Land Adjacent to Raydon, Lordings Lane, West Chiltington, West Sussex RH20 2QU, and 16 Riverside, Codmore Hill, Pulborough, West Sussex RH20 1FJ.

Obligation date: (d) 22 January 2024

Any person against whom the planning obligation is enforceable who wishes to make representations about this application should make them in writing to the Planning Department, Horsham District Council, Park North, North Street, Horsham, West Sussex, RH12 1RL by:

(e) 30/11/2026

Signed [redacted] Date 09/11/2026

*On behalf of MR & MRS G. RICE

NOTES

(a) Insert name of applicant.
(b) Insert a brief description of the planning obligation which the applicant wishes to modify or discharge
(c) Insert address or location of land to which the planning obligation relates.
(d) Insert date that the obligation was entered into
(e) Insert date giving a period of 21 days beginning with the date of service of this notice

* Delete where in appropriate.