



Development Control
Horsham District Council
Parkside
Horsham
West Sussex
RH12 1RL

Submitted via email

4th March 2026

Dear Sir/Madam,

Re: DoV of S106 dated 14.07.25 at Chanctonbury Nurseries, Rectory Lane, Ashington, Pulborough

This application relates to S106 legal agreement (SW/12151) dated 14th July 2025 of planning permission reference DC/24/1081, and is submitted following submission of S73 application DC/26/0221 to amend the tenure of affordable dwellings.

This application is seeking to remove specific affordable tenure of 'Affordable Rent' and 'Shared Ownership Homes' from the S106 and replace solely with the definition of 'Affordable Housing'.

As set out in our submitted S73 application (DC/26/0221), since 2023 we have been seeking offers for the 26 no. S106 affordable units, and to date we have approached over 20 Registered Providers (RP). Currently we have only one conditional offer from Landspeed Homes Ltd.

Landspeed Homes Ltd has submitted an offer for all 26 affordable dwellings on the condition all units are Intermediate Housing tenure. This offer is subject to a S73 approval to amend the specific tenure listed on the approved drawings, and a Deed of Variation to amend the Affordable Housing tenure as set out the S106. The number of affordable units, unit type, overall mix and size of units will remain unchanged.

This site is currently under construction, and the affordable housing delivery is imperative to the site's overall viability and delivery. To unlock uncontracted and unsold S106 units, and ensure they are made available to families who need them, the government published Policy Guidance on the 28th January 2026 which sets out the expectation that LPAs should apply flexibility where developers can demonstrate they have made all reasonable endeavours to find an RP buyer on the basis of the affordable housing requirement set out in the original S106 agreement, but have been unsuccessful. In such circumstances, they expect all LPAs to take advantage of existing planning flexibilities to renegotiate S106 agreements and allow the tenure of homes to be varied in order to secure a buyer.

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The following information is submitted with this application:

- Application form for the Modification or Discharge of Planning Obligations.
- Draft Deed of Variation
- S73 application DC/26/0221 covering letter (as submitted).

Elivia Homes have appointed Moore Barlow LLP as our solicitor. See contact details below:

Victoria Charlesson
Moore Barlow LLP
Gateway House, Tollage, Chandlers Ford, Eastleigh, SO53 3TG.

Elivia can confirm its acceptance to pay the Council's reasonable legal fees in respect of this matter.

We trust the information provided is sufficient for the application, but please do not hesitate to contact me should you require any further information.

Yours sincerely,

Michael

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