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: X
Discharge of Planning Obligations: (please tick one)

Is the Obligation more than 5 years old?:	Yes	No	Date Obligation was signed:
		X	24.08.2023

2. Applicant Name & Address

Title:	MR
First name:	PHILLIP
Last name:	TUNNICLIFFE
Company (optional):	SAXON WEALD
Address 1:	Saxon Weald House
Address 2:	38-42 Worthing Road
Address 3:	
Town:	Horsham
County:	West Sussex
Postcode:	RH12 1DT
Tel. No:	
E-mail:	[redacted]

3. Agent Name and Address (if any)

Title:	MRS
First name:	CHARLOTTE
Last name:	BENSON-GORING
Company (optional):	PENNINGTONS MANCHES COOPER LLP
Address 1:	125 WOOD STREET
Address 2:	
Address 3:	
Town:	LONDON
County:	
Postcode:	EC2V 7AW
Tel. No:	
E-mail:	CHARLOTTE.BENSON-GORING@PENNINGTONSLAW.COM

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 ON THE SOUTH SIDE OF SANDYGATE LANE, LOWER BEEDING, HORSHAM AND LAND ON THE EAST SIDE OF BURNTHOUSE LANE, COWFOLD

5. Description of Planning Obligation

Please provide the information requested:

S/106 number: **LEGAL REF: LM/2679**

Related Planning Permission Ref: **DC/22/0708**

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

Name: **JAMES ROBERT CHRISTOPHER HICKS AND KENNETH PHILIP HICKS AS TRUSTEES OF THE W A HICKS WILL TRUST**

Name: **ANDREW JOHN KNOWLES, WILLION ANDREW KNOWLES, RACHEL ANNE KNOWLES, OSCAR JOHN KNOWLES**

Name: **DEVINE HOMES PLC**

Name: **HORSHAM DISTRICT COUNCIL**

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

SAXON WEALD IS APPLYING TO VARY THE MORTGAGEE IN POSSESSION CLAUSE TO (A) ENABLE SAXON WEALD TO CHARGE THE PROPERTY AT MARKET VALUE SUBJECT TO TENANCIES (MV-STT) RATHER THAN EXISTING USE VALUE FOR SOCIAL HOUSING (EUV-SH) AND (B) CHANGE THE DEFINITION OF AFFORDABLE RENT TO ALLOW FOR RENT TO BE CHARGED ABOVE LOCAL HOUSING ALLOWANCE RATES (BUT STILL BELOW 80% OF MARKET RATE).

Attach an additional sheet if necessary

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

SAXON WEALD'S REQUIRED AMENDMENTS (DETAILED IN THE ABOVE BOX) WERE APPROVED IN A LETTER OF COMFORT FROM HORSHAM DISTRICT COUNCIL (SIGNED BY AILSA KEOGH, AFFORDABLE HOUSING ENABLING OFFICER) DATED 11/10/2023.

Attach an additional sheet if necessary

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

IT HAS BEEN AGREED THAT THE DEED OF VARIATION REQUESTED IN THIS APPLICATION WILL BE COMPLETED AFTER SAXON WEALD HAS ACQUIRED THE LAND, SO AT THAT POINT IT WILL BE LANDOWNER OF THE ONLY LAND (I.E. THE AFFORDABLE HOUSING LAND) AFFECTED BY THE VARIATIONS. THIS MEANS DEVINE HOMES PLC ITSELF WILL NOT NEED TO BE PARTY TO THE VARIATION.

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]

CHARLOTTE BENSON-GORING
ON BEHALF OF PENNINGTONS MANCHES COOPER LLP

On behalf of SAXON WEALD
(insert applicant's name if signed by agent)

Date 14/08/2024

Town and Country Planning Act 1990 (Section 106A)

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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

THE PLANNING OBLIGATIONS ARE ENFORCEABLE AGAINST DEVINE HOMES PLC ONLY. THIS APPLICATION IS MADE WITH THE APPROVAL OF DEVINE HOMES PLC, VIA ITS LAWYERS. DEVINE HOMES PLC'S LAWYERS ARE COPIED INTO ALL CORRESPONDENCE BETWEEN THE APPLICANT'S AGENTS (DETAILED ABOVE) AND HORSHAM DISTRICT COUNCIL. NO FURTHER NOTICE IS REQUIRED.

SIGNED [redacted] CHARLOTTE BENSON-GORING ON BEHALF OF PENNINGTONS MANCHES COOPER LLP DATE 14/08/2024

*On behalf of SAXON WEALD

NOTES

* Delete where inappropriate

OR

(P.T.O.)

Town and Country Planning Act 1990 (Section 106A)

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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) .....

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

PLANNING OBLIGATION

Obligation description: (b)

.....

.....

.....

.....

.....

.....

Address of site: (c)

.....

.....

.....

Obligation date: (d) .....

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) .....

Signed ..... Date .....

*On behalf of .....

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.