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]	

2. Applicant Name & Address

Title:	
First name:	
Last name:	
Company (optional):	Earthstone Homes Ltd
Address 1:	C/o agent
Address 2:	
Address 3:	
Town:	
County:	
Postcode:	
Tel. No:	
E-mail:	

3. Agent Name and Address (if any)

Title:	Mr
First name:	Matt
Last name:	Smith
Company (optional):	D&M Planning Ltd
Address 1:	1a High Street
Address 2:	
Address 3:	
Town:	Godalming
County:	Surrey
Postcode:	GU7 1AZ
Tel. No:	
E-mail:	Matt.smith@dm-planning.co.uk

4. Address of the Site

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

Land to the north of High Bar Lane, Thakeham

5. Description of Planning Obligation

Please provide the information requested:

S/106 number: CB/121

Related Planning Permission Ref: DC/23/2152 & DC/26/02

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

Name:

Name:

Name:

Name:

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

Every endeavour has been made to market the available affordable housing units. Unfortunately, this has not been successful with no viable expression of interest being made. In line with the current wording the Section 106 Agreement submissions have been made to the Council on this matter with a suggested alternative of the provision of discount market sales housing. Upon consultation with the Council's housing team, however, there is a preference that a payment in lieu be made as an alternative.

The proposed variation therefore is to amend the wording relating to affordable housing so that this is addressed by way of a payment in lieu, calculated in accordance with the SPD, with no affordable housing to be delivered on site.

Attach an additional sheet if necessary

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

Previously submitted details regarding marketing are attached for reference.

Attach an additional sheet if necessary

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

Owner

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 .....

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

Date .....

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

SIGNED _____ DATE .....

*On behalf of .....

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) .....

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.