

14 March 2025

Jason Hawkes
Planning Department
Horsham District Council
Chart Way
Horsham
RH12 1RL

Via Email

Dear Mr Hawkes,

DURRANT'S VILLAGE, FAYGATE LANE, FAYGATE, WEST SUSSEX RH13 6LT – DEED OF VARIATION TO UNILATERAL OBLIGATIONS IN RELATION TO THE FOLLOWING APPLICATIONS:

- **APPLICATION REFERENCE DC/08/0316 AND APPEAL REFERENCE APP/Z3825/A/08/2090104/NWF**
- **APPLICATION REFERENCE DC/12/0178**
- **APPLICATION REFERENCE DC/14/1178**

I write to you for and on behalf of the operator of Durrants Village in Faygate, Inspired Villages (IV), to make a formal application for the proposed modifications to the Unilateral Undertakings in relation to the above applications and in connection with the operation of Durrants Village, Faygate.

The proposed modifications seek to regularise the current level of public access to the village, following discussions with Horsham District Council's planning and enforcement teams, and West Sussex County Council. Following trial periods held in 2024, we are seeking to align the existing Unilateral Undertakings to reflect a lack of demand for public access to the library, community bus, and medical facility.

RELEVANT BACKGROUND

Consent was granted at appeal in 2009 for the construction of a retirement village. There have been various subsequent applications and amendments, which are detailed in the table below:

Type	Reference	Description	Date
Outline	DC/08/0316 APP/Z385/A/ 08/2090104	The demolition of existing buildings, construction of 148 retirement units, 8 affordable housing units, 1 warden's unit, 50 bed care home, visitor accommodation, central facilities building, shop, medical centre,	Appeal allowed 8 May 2009 (Application refused 13 May 2008)

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		provisions of formal and informal open space, balancing pond, associated landscaping and improvements to the existing access	
NMA	DC/11/1229	NMA to DC/08/0316 consisting of revised access design pursuant to condition 7	Approved 15 July 2011
RMA	DC/10/0088	Approval of Reserved Matters – Demolition of existing buildings, construction of 148 retirement dwellings (comprising 57 x 2-bed apartments and 91 x 2 bed cottages) and 8 affordable housing units (comprising 6 x 2 bed and 2 x 3 bed dwellings/units). 1 warden's unit, 50-bed care home, visitor accommodation, central facilities building, shop, doctor's surgery, provision of open space, balancing pond, landscaping and improvements to existing access.	Approved 5 August 2010
Full	DC/12/0178	Erection of 6 retirement dwellings and a triple bay garage	Approved 9 May 2013
NMA	DC/13/1062	NMA to DC/10/0088 to redesign part of the ground floor of the central facilities building to accommodate medical centre which will be relocated from previously approved location, addition of 3 car parking spaces and various external alterations.	Approved 5 August 2016
Full	DC/13/2184	The erection of 2 no. apartments in addition to approved village shop and warden's accommodation.	Approved 14 March 2016
Full	DC/14/1187	The erection of an apartment block (consisting of 12 no. retirement apartments) and 5 no. retirement cottages with parking and associated works.	Approved 4 September 2015
NMA	DC/14/2376	NMA to DC/10/0088 amendments to redesign part of ground floor of central facilities building to accommodate doctor's surgery relocated from previously approved location, addition of 3 car parking spaces and various external elevations.	Approved 12 December 2014
Full	DC/16/2086	Retrospective application for remodelling of land along western edge	Approved 14 December 2016
S73	DC/16/2214	Variation of condition 1 to DC/14/1187 to allow for changes to the layout of Phase 3c.	Approved 7 March 2017
Full	DC/16/2215	Erection of 3 dwellings and associated parking	Withdrawn 6 December 2016
Full	DC/16/2603	Construction of a pond side shelter with lockable storage area and creation of an allotment area including construction of raised beds and associated landscaping.	Approved 11 January 2017

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NMA	DC/17/1131	NMA to DC/10/0088 amendment to finished floor levels for Phase 3B	Approved 21 June 2017
NMA	DC/17/2405	NMA to DC/10/0088 amendments to the location of approved materials	Approved 4 December 2017

Durrants Village opened in 2013 and has been occupied since that date. The village was purchased by Inspired Villages from Renaissance Villages in 2017, and we acquired this project mid-construction with inherited operations structures, residents and management in situ. We have since been made aware the village was not operating with public access to the library, community bus, and medical facility. Public access to the public art, and permissive path has been established and will not be impacted by the proposed modification to the Unilateral Undertakings.

Non-compliance with the relevant obligations for public access was raised by Horsham District Council's enforcement team, following enquiries made by Faygate Parish Council. The enforcement queries have been ongoing for several years and will be concluded as a result of this application submission.

OBLIGATIONS

The original undertaking, agreed as part of the appeal, granted in 2009 required the provision of various facilities and services, relevant to this application, detailed as follows:

1. **Library Access:** Schedule 1, Paragraph 5.1 (f) requires the library to be made available to members of the public outside of the retirement village, specifically to residents of Faygate on 'reasonable' terms. The library is currently stocked with books donated to Durrants Village residents and has never been open to the public; discussions have been ongoing for several years with the Parish regarding access terms, however, no agreement was reached regarding access. A mobile library service previously also served the village operated by Horsham District Council until funding was removed around the time of COVID-19.
2. **Community Bus Plan:** Schedule 1, Paragraph 4.5 requires a community bus plan to be submitted and approved prior to occupation and operated thereafter. A community bus plan was submitted to WSCC in 2017 (Appendices 1 and 2), however, the taxi service serves residents of Durrants Village, and has never been open to neighbouring residents (until the trial period earlier this year). The current routes of the village transport service are enclosed (Appendix 3). This currently takes the form of an 8 seat private taxi. The excerpt below from the community bus plan provided also confirms this, referencing a private service open to residents:

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1.2.6 A private transport service operates Monday to Friday, offering residents with a twice-daily service to Broadbridge Heath, Horsham and Crawley Town Centre. On Monday, Wednesday and Friday the service operates to and from Horsham, offering departures at 9:30am and 11:30am, return journeys can be made at 12:30pm and 2:30pm. On Tuesday and Thursday services operate between Broadbridge Heath, Horsham and Crawley Town Centre.

1.2.7 Between August 2016 and February 2017 the private transport service was provided by a 7 passenger vehicle operated by Durrants Village. However, for logistical reasons, the private transport service has reverted to being operated by a local taxi firm using a 6 passenger vehicle.

1.2.8 It has been confirmed by the Village Manager at Durrants Village that existing demand has remained similar to 2016 levels. Demand for existing services is rarely greater than 6 passengers per journey, which can be accommodated by the private transport service. It was also noted that there was no significant demand from residents for additional destinations.

We understand that Metrobus was contacted by Faygate Parish Council in November 2024 (Appendix 4) who confirmed that the service from Faygate has been significantly improved with 4 buses an hour to Horsham most of the day, 2 buses an hour to Gatwick, and 2 buses an hour to Crawley. They also indicate that just over 20 years ago there was only one subsidised bus every 90 minutes. In the same correspondence Metrobus indicated it would not be possible to divert the buses away from the main road, or to provide a 'special bus'. As such, it is clear that bus access to Faygate residents (outside of Durrants Village) has been significantly improved in recent years.

3. **Medical Facility:** Schedule 1, Paragraph 5.1 (c) requires a medical centre to be provided and be made available for use by residents. Paragraph 5.1 (c) requires 'reasonable endeavours' to provide public access to the medical facility on site. The medical facility was provided within a room in the Village Centre building as required. A village nurse was employed at Durrants Village for a period of time, however, the costs of provision for residents exceeded demand, and as such a dedicated nurse has not been provided since 2019. In terms of history regarding this matter, a nurse was employed at Durrants as a Village Nurse from 15.6.15 to 31.5.17 when she retired. Appendix 5 contains a copy of the agreement for Park Surgery, Horsham to provide a visiting doctor service one hour a week (on a Tuesday) for village residents registered at Park Surgery. The agreement is not dated however it was signed on 13.5.15 so would have started about this time. The residents elected to terminate this arrangement as they were paying for it as part of their service charge and there were a limited number of residents who could use the service. The village manager at that time served 3 months' notice to the surgery on 23.1.19 to terminate the contract and the last doctor visit was on 23.4.19. The room previously used as a medical room is currently in use as staff welfare. We are not aware of any obligation for the medical facility to be used by members of the public.

TRIAL PERIOD & PRE APPLICATION DISCUSSION

With the agreement of Enforcement and Development Management Officers at HDC a three-month trial to open the library and taxi service to the public was implemented from 01.05.24 to 31.07.24 as per agreed terms with HDC (Appendix 6). Take up was extremely limited. There was no use of the library during the three-month trial and just one individual user of the taxi service, who used the service 8 times on the dates between 1st May and 31st July (Appendix 7). It is worth noting this individual is a resident of Durrants Village, due to their property being situated just outside of the main village they pay a reduced service charge and are not entitled to use the facilities. This individual has wished to use the facilities for several years but not been willing to pay the higher rate of service charge.

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With regards to feedback, we did receive correspondence from the Parish Council (Appendix 8) regarding the library service terms, which we responded to in May 24. This set out further information regarding the cost of the library access, and times of opening.

We also advertised the trial within the window of Faygate village store, and the village notice board from 1st May – 31st July 24 and provided details via email to Faygate Parish Council. Evidence of the advertised availability is enclosed within Appendix 9.

Informal pre-application advice has been sought from West Sussex County Council (WSSC) to understand the acceptability of the proposed modifications to the Unilateral Undertakings (as amended) in principle. Upon the advice of HDC officers, we contacted Elaine Munns and David Crockford in November 2024. The advice received from the WSSC on 12 December 2024 has confirmed that the proposed modification to remove the library access to the Unilateral Undertaking (as amended) would, in principle, be supported. We understand WSSC has further queries regarding the community bus, and will be consulted in relation to this application.

RELEVANT NATIONAL AND LOCAL PLANNING POLICY

The Town and Country Planning Act 1990 Section 106A enables a Planning obligation to be modified or discharged by agreement between the local planning authority and relevant parties against whom the obligation is enforceable within 5 years of the date of the Planning obligation.

PROPOSED MODIFICATION

The application for modification of the Unilateral Undertaking (as amended) seeks to vary the Planning obligation to remove the following obligations:

1. Library Access
2. Community Bus
3. Medical Facility

Access to the public art, and shop will remain unchanged upon the approval of this amendment.

The proposed revised wording as set out in the draft Deed of Variation is as follows:-

“The First Undertaking shall be varied as follows:

- 1 Paragraphs 4.5 and 4.6 in schedule 1 shall be deleted.***
- 2 Paragraphs 5.1(c) to (f) (inclusive) in schedule 1 shall be deleted.***
- 3 Paragraph 5.1(g) in schedule 1 shall be amended by deleting: ‘, surgery/medical centre and Library’.***
- 4 Paragraph 5.2 in schedule 1 shall be amended by deleting all references to: ‘and/or surgery/medical centre and/or Library’ and ‘(as the case may be)’.***

The Second Undertaking shall be varied as follows:

- 5 Paragraphs 4.3 (including 4.3.1 to 4.3.4) and 4.4 in schedule 1 shall be deleted.***

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- 6 ***Paragraphs 5.1.2 to 5.1.4 (inclusive) in schedule 1 shall be deleted.***
- 7 ***Paragraph 5.1.5 in schedule 1 shall be amended by deleting: ‘, surgery/medical centre and Library’.***
- 8 ***Paragraph 5.2 (including 5.2.1 and 5.2.2) in schedule 1 shall be amended by deleting all references to: ‘and/or medical centre and/or Library’ and ‘and/or surgery/medical centre and/or Library’ and ‘(as the case may be)’.***

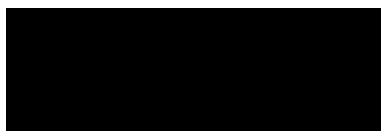
The Third Undertaking shall be varied as follows:

- 9 ***Paragraphs 4.1.2 and 4.1.3 in schedule 1 shall be deleted”***

SUMMARY AND NEXT STEPS

Following the enforcement case opened, and subsequent trial period, there is an evidenced lack of demand for public access to the community bus, and public access to the library. Reasonable endeavours have been made to operate the medical facility, however, the cost of this service has rendered it unviable for operation and as such we respectfully request these obligations are removed.

Yours sincerely



Ellen Pearce
Inspired Villages

Encs.

Application for the Modification or Discharge of Planning Obligations
Durrants Village Proposed Deed of Variation
Unilateral 10 Apr 2013 DC_12_0178(66019586.1)
Unilateral 22 Apr 2009 DC_08_0316(66019587.1)
Unilateral 24 Aug 2015 DC_14_1187(66019589.1)
Appendix 1- Community Bus Plan Emails 2017
Appendix 2 - Community Bus Plan v3 Sept 2017
Appendix 3 - Taxi Routes 2024
Appendix 4 - Metrobus correspondence November 2024
Appendix 5 - Park Surgery Contract
Appendix 6- Durrants Village Trial Access Obligations Terms of Use 08.04.24
Appendix 7 - Taxi sign up
Appendix 8 - Correspondence with Faygate Parish Council
Appendix 9 - Library and Bus Service Trial Advertisement

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