



**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 ☐ (please tick one)

Is the Obligation more
than 5 years old? ☒ Yes ☐ No

Date Obligation was signed: 28 April 2016

2. Applicant Name & Address

Title: First name:
Last name:
Company (optional):
Address 1:
Address 2:
Address 3:
Town:
County:
Postcode:
Tel. No:
E-mail:

3. Agent Name and Address (if any)

Title: First name:
Last name:
Company (optional):
Address 1:
Address 2:
Address 3:
Town:
County:
Postcode:
Tel. No:
E-mail:

4. Address of the Site

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

Part of the Land at the West of Bewbush (also known as Kilnwood Vale), Horsham, West Sussex, being Phase 3E and Neighbourhood Centre as shown edged red on the plans attached to the application.

5. Description of Planning Obligation

Please provide the information requested:

S/106 number: section 106 agreement dated 28th April 2016 Legal Ref PAG 1174/1179

Related Planning Permission Ref: DC/15/2813 for variation of conditions 3, 4, 7, 8, 9 and 10 of Hybrid application
DC/10/1612

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

Name: Crest Nicholson Operations Limited

Name: Piers Henry Calvert and Henrietta Amelia Calvert

Name: Piers Henry Calvert and Ruth Margaret Calvert and Julian Richard Whately as executors of Henry Clifton Calvert (deceased)

Name: The Homes and Communities Agency [see continuation sheet]

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

- 6.1 To amend the mortgagee exclusion clause ('MEC') in the affordable housing schedule (Schedule 4) so that it is a form that will be acceptable to potential lenders looking to lend against the affordable units at their full value. As drafted the MEC will not allow the Affordable Housing Provider for the affordable housing units to be valued by a lender at Market Value Subject to Tenancy.
- 6.2 Any further or consequential amendments required to the agreement to give effect to the requirement at 6.1.
- 6.3 The definition of Local Connection shall be amended so that for shared ownership units, marketing and sales are permitted to those that are also from the district of Crawley.

Attach an additional sheet if necessary

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

We have attached a proposed replacement clause for paragraph 17 of Schedule 4

Attach an additional sheet if necessary

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

The applicant is contracting to purchase the land and units built on the land in Phase 3a and the Neighbourhood Centre as shown edged red on the two plans. They are contracting to purchase the land from Crest Nicholson Operations Limited being the freeholder of title number WSX353549 which forms part of the Site.

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 Legal & General Affordable Homes (Capital) Limited
(insert applicant's name if signed by agent)

Date 08 June 2026

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
Narvinder Khossa Nicholas Daruwalla	narvinder.khossa@crestnicholson.com Nicholas.Daruwalla@crestnicholson.com	30 April 2026 30 April 2026

SIGNED Devonshires DATE 08 June 2026

*On behalf of Legal & General Affordable Homes (CAPITAL) Limited

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

-
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 _____

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* Delete where inappropriate

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

Town and Country Planning Act 1990 (Section 106A)

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Notice of an Application to Modify or Discharge a Planning Obligation

I GIVE NOTICE that (a) Legal & General Affordable Homes (Capital) Limited

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

PLANNING OBLIGATION

Obligation description: (b) Paragraph 17 of Schedule 4 of a planning obligation

Obligation made between (1) Crest Nicholson Operations Limited (2) Piers Henry Calvert and Henrietta Amelia Calver (3) Piers Henry Calvert and Ruth Margaret Calvert and Julian Richard Whatley as executors of Henry Clifton Calvert (deceased) (4) the Homes and Communities Agency (5) Trustees of Crest Nicholson Group Pension and Life Assurance Scheme (6) Horsham District Council

Address of site: (c)

Phase 3e and part of the Neighbourhood Centre forming part of the land to the west of Bewbush (known as Kilnwood Vale).

Obligation date: (d) 28 April 2016

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.