DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
S106/24/0015
Land at, Sandygate Lane, Lower Beeding, West Sussex,

DESCRIPTION:
Application 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).

RELEVANT PLANNING HISTORY:

DC/22/0708	Application for the erection of 22 No. dwellings with associated parking, garaging, landscaping, the creation of new access and all ancillary work associated with the proposed development	Permitted on 31.08.2023

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

Consultations:

Housing (summarised): Following the provision of additional information
I have no issues with these amendments

Previous comments have raised no concerns.

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT:

Planning Application DC/22/0708 granted was granted consent on the 31st of August 2023 for the following: *the erection of 22 No. dwellings with associated parking, garaging, landscaping, the creation of new access and all ancillary work associated with the proposed development.*

The application seeks to make the following changes:

1. Change to the Mortgagee in Possession Clause to the National Housing Federation's standard clause.
2. Amendments to the definition of affordable rent to allow for rent to be charged above local Housing Allowance rated but below the 80% market rate.
3. Changes to the housing mix requiring Plots 4,5,6 to be Shared Ownership and Plots 1,2,3,7,8 to be affordable rent.
4. Removal of the requirement for Plot 3 to be provided as Part M4(2).
5. Amendment to the provision of Plot 2 which is required to be provided as Part M4(3) to be delivered as M4(2).
6. An amendment of the initial % purchase to reflect the new model shared ownership rules.

1. Mortgagee in Possession Clause
The proposal includes a change to Schedule 6 to add the National Housing Federation's standard wording. During the course of the application the Council's Legal Team has been in communication with the applicant and ensured the wording meets the Council's current practice.

The revised wording brings the mortgagee in possession clauses in line with current industry standard best practice wording. The Council's Housing Team have raised no objection.

2. Amendments to the definition of Affordable Rent

The Affordable Rent definition as existing reads:
> ***Affordable Rent*** *means chargeable rent that is subject to the HE's Rent Standard (April 2015) as expanded on by the Rent Standard Guidance (April 2015) as such document and/or associated guidance may be amended updated or replaced from time to time and is required to be offered to eligible householders in Housing Need at an open market rental level which does not exceed 80% of gross local market rent (inclusive of service charges) for an equivalent property of that size and location or the applicable Local Housing Allowance rate for the Council (whichever is the lower);*

The proposed definition reads:
> ***Affordable Rent*** *means chargeable rent that is subject to the HE's Rent Standard (April 2015) as expanded on by the Rent Standard Guidance (April 2015) as such document and/or associated guidance may be amended updated or replaced from time to time and is required to be offered to eligible householders in Housing Need at an open market rental level which does not exceed 80% of gross local market rent (inclusive of service charges) for an equivalent property of that size and location;*

Deleting the words "*or the applicable Local Housing Allowance rate for the Council (whichever is lower)"*
The Housing Officer has confirmed their support of this proposed change and it is therefore considered acceptable.

3. Changes to affordable housing plots

An amendment is sought to change the plot numbers of those to be shared ownership and affordable rented as permitted:

Affordable rent plots: 1,2,3,4,5
Shared ownership plots: 6, 7 and 8.

To:

Amended affordable rent plots: 1,2,3,7,8

Amended shared ownership plots: 4,5,6

There is a loss of plots 7 and 8 from shared ownership to affordable rent, whilst dwellings 4 and 5 have changed from affordable rent to shared ownership. There is no loss of the net number of affordable rent units nor shared ownership plots. In addition, no net loss of bedroom numbers is proposed.

The impact on affordable housing provision would be neutral given there is no net loss in unit number or unit size.

4 & 5. Changes to accessibility standards

An amendment is sought for the removal of the requirement for Plot 3 to be provided as Part M4(2). In addition an amendment is sought to the provision of Plot 2 which is required to be provided as Part M4(3) to be delivered as M4(2).

While these losses are regrettable, in particular the loss of M2(2) in Plot 3 the benefits of the proposal and the 21 dwellings provided at M4(2) outweigh the harm of this loss. Furthermore there is no specific policy requiring these standards are met and while a benefit to the scheme the loss at such a minor scale would not warrant refusal of this application.

6. Amendment of the initial % purchase

An amendment is sought to the definition of shared ownership to reduce shares from 25% to 10%. This change is considered appropriate given it reduces the requirements needed to enter into shared ownership, rather than increase it.

Other matters:

The applicant's solicitor has also raised the need to change the reference in the exclusion clause from Schedule 4 to Schedule 6 and the addition of the following exemptions from liability:

1. leaseholders staircasing to 100%, their mortgagees, successors in title and mortgagees of those successors.

2. tenants who have exercised a right or buy / right to acquire whether statutory or contractual and their mortgagees, successors in title and mortgagees of those successors.

The change in Schedule 4 to 6 appears to be purely administrative. The addition of the aforementioned exemptions from liability appear to be standard and would not be unexpected in an agreement such as this.

Recommendation: Application Permitted

NOTE TO APPLICANT

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

DELEGATED

Case Officer sign/initial Alice Johnson Date: 10/04/2026

Authorising Officer sign/initial Adrian Smith Date: 03/07/2025