



**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: 14/7/25

2. Applicant Name & Address

Title:	MR	First name:	MICHAEL
Last name:	MASKEW (on behalf of)		
Company (optional):	ELVIA HOMES (EASTERN)		
Address 1:	6 Alexander Grove		
Address 2:	Kings Hill		
Address 3:			
Town:	West Malling		
County:	Kent		
Postcode:	ME19 4XR		
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:

Chanctonbury Nurseries, Rectory Lane, Ashington, Pulborough

5. Description of Planning Obligation

Please provide the information requested:

S106 number:

Related Planning Permission Ref:

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.

We have submitted a Section 73 application under reference DC/26/0221 seeking amendment to Condition 1 attached to planning permission (Reference DC/24/1081), granted 4th October 2024 for *(Demolition of existing buildings and erection of 74 dwellings with associated parking and landscaping) amendment to the affordable housing plans and to the approved site layout to include a sub-station.*

Since 2023 we have been seeking offers for the 26 no. S106 affordable units, and to date we have approached over 20 Registered Providers (RP). Currently we have only one conditional offer from Landspeed Homes Ltd.

Landspeed Homes Ltd has submitted an offer for all 26 affordable dwellings on the condition all units are Intermediate Housing tenure. This offer is subject to a S73 approval to amend the specific tenure listed on the approved drawings, and a Deed of Variation to amend the Affordable Housing tenure as set out the S106. The number of affordable units, unit type, overall mix and size of units will remain unchanged.

This site is currently under construction, and the affordable housing delivery is imperative to the site's overall viability and delivery.

This application seeks to remove the specific mix and tenure split for 'Affordable Rent' and 'Shared Ownership Homes', and any other amendments that are related to this amendment.

Please refer to covering letter dated 4th March 2026.

Attach an additional sheet if necessary

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

To unlock uncontracted and unsold S106 units, and ensure they are made available to families who need them, the government published Policy Guidance on the 28th January 2026 which sets out the expectation that LPAs should apply flexibility where developers can demonstrate they have made all reasonable endeavours to find an RP buyer on the basis of the affordable housing requirement set out in the original S106 agreement, but have been unsuccessful. In such circumstances, they expect all LPAs to take advantage of existing planning flexibilities to renegotiate S106 agreements and allow the tenure of homes to

be varied in order to secure a buyer.

Attach an additional sheet if necessary

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

Elivia Homes Ltd are the Freeholder.

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

ELIVIA HOMES LTD
4/3/26

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

[Redacted Signature]

DATE

4/3/26

*On behalf of

ELVIA HOMES LIMITED.

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

-
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.