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]	24/08/23

2. Applicant Name & Address

Title:	
First name:	
Last name:	
Company (optional):	Elivia Homes Limited
Address 1:	First Floor West, Prism, 1650 Parkway, Solent Business Park,
Address 2:	
Address 3:	
Town:	Whiteley, Fareham.
County:	
Postcode:	PO15 7AH
Tel. No:	[redacted]
E-mail:	[redacted]

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:

Land at Chanctonbury Nurseries, Rectory Lane, Ashington, Pulborough.

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5. Description of Planning Obligation

Please provide the information requested:

S/106 number:

Related Planning Permission Ref: DC/22/0372 amended by s73 DC/24/0977.

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

Name: Horsham District Council.

Name: Landacre Developments (Ashington) Limited.

Name: Ashington Parish Council.

Name: West Sussex County Council.

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

Amendment to affordable housing mix and Mortgage Exclusion Clause.

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

See Cover letter

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

Landowner and developer.

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 Dave Buczynskyj

Elivia Homes Limited

On behalf of

(insert applicant's name if signed by agent)

25.11.24

Date .....

Town and Country Planning Act 1990 (Section 106A)

Town and Country Planning (Modification and Discharge of Planning Obligations) Regulatins1992

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 Dave Buczynskyj DATE 25.11.24

Elivia Homes Limited

*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.)

Town and Country Planning Act 1990 (Section 106A)

Town and Country Planning (Modification and Discharge of Planning Obligations) Regulatins1992

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) Elivia Homes Limited

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

PLANNING OBLIGATION

Obligation description: (b) Amendment to affordable housing mix and Mortgage Exclusion Clause

Address of site: (c) Chanctonbury Nurseries, Rectory Lane, Ashington.

Obligation date: (d) 24 August 2023

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.