Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
S106/25/0012
Millfields Farm, Horsham Road, Rusper, West Sussex,

DESCRIPTION:
Application seeking the approval of an Affordable Housing Scheme pursuant to the requirements of Paragraph 1.1 of Schedule 4 of the S.106 agreement accompanying planning permission ref: DC/24/0699

RELEVANT PLANNING HISTORY:

DC/24/0699	Demolition of existing structures and erection of 43no. dwellings (Use Class C3), creation of a new access and provision of public open space, alongside associated landscaping and other works.	Application Permitted on 07.05.2025

PLANNING ASSESSMENT

Planning Application ref: DC/24/0699 was granted full planning permission on 07.06.2025. Planning permission was granted subject to a completed legal agreement, entered into pursuant to S.106 of the Town and Country Planning Act 1990.

Amongst other things the S.106 agreement accompanying ref: DC/24/0699 at Paragraph 1.1 of Schedule 4 requires the developer/owner, prior to the commencement of development, to seek the approval of the District Council in respect of an 'Affordable Housing Scheme'. Paragraph 1.1 of Schedule 4 provides:-

> *"Prior to Commencement of Development to submit to the District Council for its approval the Affordable Housing Scheme and not to Commence Development unless and until the Council has approved the Affordable Housing Scheme in writing (such approval not to be unreasonably withheld or delayed)."*

The Affordable Housing Scheme benefits from a definition within Schedule 4 to the agreement, as follows:-

> *"a scheme for the provision of the Affordable Housing Units to be provided by the Owners which shall (as a minimum) provide:*
>
> *a.) The type and size of Housing Units to be provided as the Affordable Housing Units;*
> *b.) A plan showing the location of the Affordable Housing Land and the Affordable Housing Units, appropriately distributed throughout the Development so that, where practical, it is not segregated from the Open Market Units, to ensure inclusive and mixed communities AND identifying which (if any) of the Affordable Housing Units shall be fully wheelchair accessible, their type, size and location within the Development UNLESS such plan is already approved pursuant to condition 1 of the Planning Permission; AND*
> *c.) Such other matters as the District Council may require (acting reasonable)."*

In support of this application the applicant has provided a proposed accommodation schedule (titled Residential Accommodation Schedule by Plot) identifying the proposed type, size, tenure and plot

number of the approved Housing Units. A plan is additionally provided (ref: 7288 PL 04L) confirming the locations and distribution of Affordable Housing Units (and of different tenures) within the development site.

The submitted details confirm that the proposed development would deliver all Housing Units (100%) as affordable housing. 23x of the approved Housing Units would be delivered as Affordable Rent (~53%) and 20x dwellings would be delivered as Shared Ownership Units (~47%).

The number and percentage of affordable housing, as proposed, is substantially in excess of current development plan requirements, with HDPF Policy 16 requiring that 35% of total housing be delivered as affordable housing (equivalent to ~15 units in this instance). The proposed provision would make a significant contribution to the delivery of affordable housing, both within the immediate parish of Rusper and within the wider District. The proposals, further, would deliver 13x 3 and 4-bedroom Affordable Rent Units, for which the Council's housing register indicates there is a significant need within Rusper and the wider District.

Part b.) to Schedule 4 is noted to reference the delivery of wheelchair accessible units (if any), with no such wheelchair accessible units proposed in this instance. This is consistent with the initially approved Affordable Housing Scheme, which also omitted wheelchair accessible dwellings. There is no requirement within HDPF Policy 16 to deliver such units, neither within the Council's adopted Affordable Housing and Planning Obligations SPD. The S.106 agreement does not obligate the delivery of wheelchair accessible units in any other regard. The omission of wheelchair accessible units in this instance, therefore, is not considered objectionable.

The proposals to deliver the approved development on a 100% affordable housing basis are not prohibited by the terms of the S.106 agreement, with the definition of Affordable Housing Units contained within Schedule 4 drafted flexibly in requiring that "not less than 50% of the Housing Units" be delivered as affordable housing. The definition of Affordable Housing Units, additionally, allows an alternative mix to be agreed with the District Council.

The proposed development, further, was originally considered on the basis that the proposals would deliver 'at least' 50% affordable housing, with the possibility that greater levels of affordable housing could be delivered by the proposals. The officer recommendation, as presented to Planning Committee (North) on 1st October 2024, explicitly acknowledged that any greater provision of affordable housing above 50% would reduce CIL receipts to the Council, though, that the benefits of additional affordable housing would outweigh any loss of receipts.

It is, overall, considered that the proposed Affordable Housing Scheme is acceptable and would provide substantial benefit to the delivery of affordable housing with the District. It is, therefore, recommended that that the requirements of Paragraph 1.1 of Schedule 4 of the agreement be discharged in accordance with the details submitted.

Recommendation: Application Permitted

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.

Plans list for: S106/25/0012

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Site plan		PL-04 L	05.06.2025
Supporting Docs	RESIDENTIAL ACCOMMODATION SCHEDULE BY PLOT		14.05.2025

DELEGATED

Case Officer sign/initial Giles Holbrook Date: 12.06.2025

Authorising Officer sign/initial Adrian Smith Date: 17/06/2025