



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

S106/26/0003

Land West of Smock Alley, Haglands Lane, West Chiltington, West Sussex,

DESCRIPTION:

Application to vary the wording (Schedule 4, paragraph 3.5) of the S106 legal agreement under DC/24/1619 relating to land registry title and the sale of properties

RELEVANT PLANNING HISTORY:

DC/24/1619	Erection of 14No. 2, 3 and 4-bedroom dwellings, including 4 bungalows with access from Smock Alley, vehicle parking, public open space, landscaping and a borehole.	Application Permitted on 15.04.2025
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PLANNING ASSESSMENT:

This application seeks to amendments to the Section 106 Legal Agreement pursuant to planning permission ref: DC/24/1619. The proposal specifically seeks to amend paragraph 3.5 of Schedule 4.

At present paragraph 3.4 of Schedule 4 seeks to ensure that all owners / future owners of individual dwellings become a member of the management company and pay the necessary management company service charges. Paragraph 3.5 goes on to require a restriction be placed on the Land Registry title (WSX238724) which requires, prior to sale and registration of individual dwellings, a certificate from Horsham District Council to certify that the provisions within paragraph 3.4 have been complied with.

This deed of variation seeks to amend paragraph 3.5 so that the restriction on the land would require a certificate of confirmation that the provisions of Paragraph 3.4 of Schedule 4 have been complied with from a conveyancer, as appose to from Horsham District Council.

As existing, paragraph 3.5 states:

3.5 *The Owner shall apply to the registrar at HM Land Registry for entry of a restriction on the title register of title number WSX238724 with an accompanying Land Registry compliant plan relating to the payment of the Service Charge in the following form:*

"No disposition of the registered estate (other than by a charge) by the proprietor of the registered estate, or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a certificate signed on behalf of Horsham District Council or its successor in title to its functions that the provisions of clause 3.4 of a Deed relating to land at Smock Alley, south of Little Haglands, West Chiltington and made between (1) Haglands Limited and (2) Horsham District Council and any deeds of variation have been complied with."

As propose, paragraph 3.5 would state:

3.5 *The Owner shall apply to the registrar at HM Land Registry for entry of a restriction on the title register of title number WSX238724 with an accompanying Land Registry compliant plan relating to the payment of the Service Charge in the following form:*

"No transfer of the registered estate by the proprietor of the registered estate, or by the proprietor of any registered charge, not being a charge registered before the entry of this

restriction, is to be registered without a certificate signed by a conveyancer that the provisions of Paragraph 3.4 of Schedule 4 of a Deed dated 14 April 2025 and made between (1) Haglands Limited and (2) Horsham District Council have been complied with or that they do not apply to the transfer.””

The applicant has outlined that the existing wording would require a formal certificate / confirmation from Horsham District Council in the event of each property sale. Officers acknowledge this would be onerous on behalf of the applicant. It is also considered that the proposed amendments would continue to ensure conformity with Paragraph 3.4 of Schedule 4.

It is therefore considered that the deed of variation to the legal agreement under DC/24/1619 is considered appropriate.

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.

DELEGATED

Case Officer sign/initial Sam Whitehouse Date: 09.02.2026

Authorising Officer sign/initial J Hawkes Date: 09.02.2026