DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
S106/26/0040
Land North of East Street, Rusper, West Sussex,

DESCRIPTION:
Discharge of planning obligations pursuant to planning permission DC/25/0523 relating to the Affordable Housing Scheme (Schedule 2, Clause 2.2) and the BNG Plan (Schedule 4, Clause 3.2).

RELEVANT PLANNING HISTORY:

DC/25/0523	Erection of 18no. 2, 3 and 4 bedroom dwellings, (including 6no. affordable housing units), together with access from East Street, vehicle and cycle parking, landscaping and open space, and sustainable drainage.	Application Permitted on 03.02.2026

REPRESENTATIONS AND CONSULTATION 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:

HDC Housing: Support
Housing Officers have no objection to the affordable housing provision.

HDC Ecology (BNG): More information required
More information and modifications are required prior to recommendation of discharging the S106 obligations requiring an approved HMMP and Biodiversity Gain Plan. Please note that for the purposes of the S106 obligation, the Biodiversity Gain Plan cannot be considered as 'approved' until the deemed biodiversity gain condition has been discharged.

PUBLIC CONSULTATIONS

Parish Comments:
Rusper Parish Council: Neither object nor support

The Parish Council raised no objection to the discharge of the Affordable Housing Scheme and Biodiversity Gain Plan, subject to the details being implemented in accordance with the approved planning permission. The Council stressed the importance of ensuring that the affordable housing provision is delivered as agreed and that the proposed biodiversity measures are properly implemented and maintained in the long term.

PLANNING ASSESSMENT

Planning Application DC/25/0523 was granted consent on 03 February 2026. This permission was for the following:

Erection of 18no. 2, 3 and 4 bedroom dwellings, (including 6no. affordable housing units), together with access from East Street, vehicle and cycle parking, landscaping and open space, and sustainable drainage.

Consent is sought to discharge the details reserved by Schedule 2, Clause 2.2 and Schedule 4, Clause 3.2 of the s106 agreement.

Schedule 2, Clause 2.2:

The Owners hereby covenants with the Council as follows:

2.2. Prior to Commencement of Development to submit to the 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.

To satisfy the requirements of Schedule 2, Clause 2.2. the applicant has submitted an Affordable Housing Plan (ref. PL-02 REV C) which shows a total of 6 homes will be provided as affordable housing (33.3%) with a share of 4 affordable rent (66.67%) and 2 shared ownership (33.33%). While it is recognised that this is slightly lower than the required 35% provision, this was agreed as part of the original permission (DC/25/0523).

The proposed housing mix for the affordable provision is set out below:

	Affordable Rent	Shared Ownership
1-bed	-	-
2-bed	3	-
3-bed	1	2
4+ bed	-	-

The above housing mix matches that agreed to be suitable by the Case Officer under the original permission and is therefore considered satisfactory. It is also noted that the Council's Housing Team have no objection to the proposed affordable housing provision. As per the submitted Affordable Housing Plan, affordable units are to be located in a row to the east of the site.

The requirements of the condition have been satisfied.

Schedule 4, Clause 3.2:

3.2. Not to Commence Development until the Biodiversity Gain Plan and the HMMP have been approved in writing by the Council (such approval not to be unreasonably delayed or withheld);

To satisfy the requirements of Schedule 4, Clause 3.2 the applicant has submitted a Biodiversity Gain Plan (BGP) and Habitat Management and Monitoring Plan (HMMP) confirming how 10% net gain will be achieved, monitored and managed for the 30-year period. These documents have been reviewed by the Council's Ecology Officer who has flagged a number of issues with the BGP and the HMMP that would require rectifying before the s106 obligation could be discharged. They have also noted that the deemed BNG condition attached to the original permission has not been discharged or applied for and this would be required before the BGP can be considered approved.

The applicant was made aware of these comments and the requirement for the BNG deemed condition to be satisfied and was given a deadline of 27 October 2026 to get the required information to Officers. No such information has been submitted and therefore the requirements of Schedule 4, Clause 3.2 have not been met at this time.

Recommendation: Split Decision

In respect of Schedule 2, Clause 2.2 the application is GRANTED

In respect of Schedule 4, Clause 3.2 the application is REFUSED for the following reason: -

A number of issues have been identified with the submitted Biodiversity Gain Plan and Habitat Management and Monitoring Plan which have not been addressed by the applicant in a timely manner.

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: S106/26/0040
(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
Plans	Affordable Housing Plan	PL-02 REV C	21.08.2026

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Biodiversity Gain Plan	NONE	21.08.2026
Supporting Docs	Habitat Management and Maintenance Plan (HMMP) and Biodiversity Enhancement Strategy (BES)	NONE	29.09.2026

DELEGATED

Case Officer sign/initial Sophie Moore Date: 29/10/2026

Authorising Officer sign/initial Adrian Smith Date: 09/11/2026