

From: Brian Foote <Brian.Foote@midsussex.gov.uk>
Sent: 17 December 2025 16:45:37 UTC+00:00
To: "Steven King" <Steven.King@midsussex.gov.uk>
Subject: 8500 - DM/25/2452

Hi Steve,

The original agreement states that section 106 will automatically apply to a section 73 agreement but also reserves the right to enter into a variation. In the original agreement, the section 106 contributions were based on the types of dwellings. As the dwelling types are changing, the contribution figures will need to change. For this reason a section 106 variation is required.

As the LPA, I think we should draft the DoV.

Please let me know if I can be of further assistance.

Kind regards,

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From: "Steven King" <Steven.King@midsussex.gov.uk>
Sent: Wednesday, 19 November 2025 15:24
To: "legalinfo" <legalinfo@midsussex.gov.uk>
Subject: DM/25/2452

Hi Sam

**Downlands Park Care, Home Bolnore Farm Lane, Haywards Heath
Vary condition 24 relating to planning reference DM/20/4159 to substitute amended plans**

I'm dealing with the above section 73 application. I'd be grateful if my queries relating to this application could be allocated to an officer to respond to please.

The purpose of the application is to make a change to the previously approved planning application DM/20/4159.

The originally approved scheme granted consent for a development consisting of 33 x 1 bed apartments, 33 x 2 bed apartments and 15 x 2 bed cottages. The Council accepted that the scheme was for C2 accommodation (residential institution) rather than C3 dwelling houses.

The current application proposes internal changes to the apartment block to provide 18 x 1 bed and 44 x 2 bed apartments. The cottages would remain unchanged.

There was a legal agreement (attached) with the original planning permission that required contributions towards TAD and libraries. There is a clause in the legal agreement that means that the provisions of the legal agreement will apply to subsequent planning permission that are granted under s73 of the Town and Country Planning Act 1990.

I asked the County Council if they would want the applicant to enter into a deed of variation for this application in light of the proposed change to the number and size of apartments. I have received the attached reply today, in which WSCC advise that they would want the applicant to enter into a DoV.

Before advising the applicants, I would like to check on the mechanics of this. Whilst the original legal agreement only requires payments to WSCC, am I right to say that the DoV would need to be drafted by Mid Sussex DC? Finally, going back to the start, can I check that a DoV is required in this case please. I don't want to generate unnecessary work if we can still rely on the original legal agreement to secure the revised contributions that would be due for the current section 73 application.

Regards

Steve

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