

LEGAL SERVICES MEMORANDUM

TO: Steve Ashdown
Head of Development
Management

DATE: 15/10/2025

CC: Stuart Malcolm
– Instructing Officer

OUR REF: PL12: 8261

Accountancy services

Nicholas Royle – Housing
Enabling & Development Officer

Mark McLaughlin – S106 &
Infrastructure Manager

Land Charges

FROM: Section 106 Monitoring
Samantha Whale Legal Business
Support Officer
Legal Services

YOUR REF: DM/25/0123

SUBJECT: Deed of Variation of Planning Obligation pursuant to S.106A Town and Country Planning Act 1990 (as amended) – Land at West Hoathly Brickworks, Hamsey Road, Sharpthorne, East Grinstead RH19 4PD

Please find attached an electronic copy of the S.106 Deed of Variation completed in this matter.
Please note the following:-

Date of the S.106 Deed of Variation:	15 October 2025	
Parties:	Mid Sussex District Council	(1)
	West Sussex County Council	(2)
	Ashill Regen Limited	(3)
	Candid Finance Limited	(4)

The Original Planning Obligation is dated 15 October 2024 and was entered into by the same parties to the S.106 Deed of Variation. The original planning application reference is DM/23/0827.

The S.106 Deed of Variation has been entered into because the Applicant requires 24 no. affordable rent dwellings secured by the Original Planning Obligation (including the 2 x wheelchair Accessible M4(3)(2)(b) dwellings) to now be delivered instead as shared ownership units. The Housing Enabling & Development Officer supported this proposal due to there being no Registered Provider willing to deliver the units for affordable rent. The S.106 Deed of Variation does however retain the ability for



the units to be delivered as affordable rent, if circumstances change down the line, and a Registered Provider wants to provide affordable rent dwellings.

The S.106 Deed of Variation updates a number of affordable definitions and provisions to accommodate the inclusion of shared ownership dwellings, including the replacement of the nomination agreement. The Applicant intends to enter into a contract with Heylo Housing, and required Heylo to be referenced in the definition of "Registered Provider" (which was a request from Heylo). This was accepted by the Housing Enabling & Development Officer on the basis that this would not fetter the Council's discretion when deciding whether or not to approve Heylo as a registered provider under the S.106 Agreement.

The details and a copy of the S.106 Deed of Variation are being copied to land charges to enable the same to be registered as a local land charge.

My papers relating to this matter are held in file reference IKEN 8261 and will be stored electronically for a minimum of 6 years. An electronic copy of the Deed of Variation will be held indefinitely. I would ask you to quote this reference in the future should you have any queries or require any further advice/action to be taken in connection with this matter.

If I can be of any further assistance please do not hesitate to contact me.

Kind regards.

Sam Whale
Legal Business Support Officer