



Planning Department
Mid Sussex District Council

- Sent by email -

6 March 2025

Dear Planning Department,

I have been instructed by Winch and Boag Developments to submit a Deed of Variation application to vary the S106 agreement associated with planning application DM/18/4841.

The original legal agreement required all infrastructure payments to be paid prior to commencement and for three of the dwellings (the flats) to be affordable housing units.

This application seeks to amend the timing of the infrastructure payments and the affordable housing tenure.

My clients have previously applied to delay the payments of the infrastructure funding to the point of completion on the dwellings, rather than commencement. This application was submitted in June 2023 (ref. DM/23/1463).

The application is currently pending consideration, however, I am led to believe that the Council are in support of this application and have previously provided a draft of the revised S106. We are still pursuing this amendment, however as there is a further proposed amendment to the S106, we consider that it is sensible to consider them together and make one single amended document. Therefore, we are including this proposed amendment again in this application. As this application progresses, we will look to withdraw the pending 2023 application.



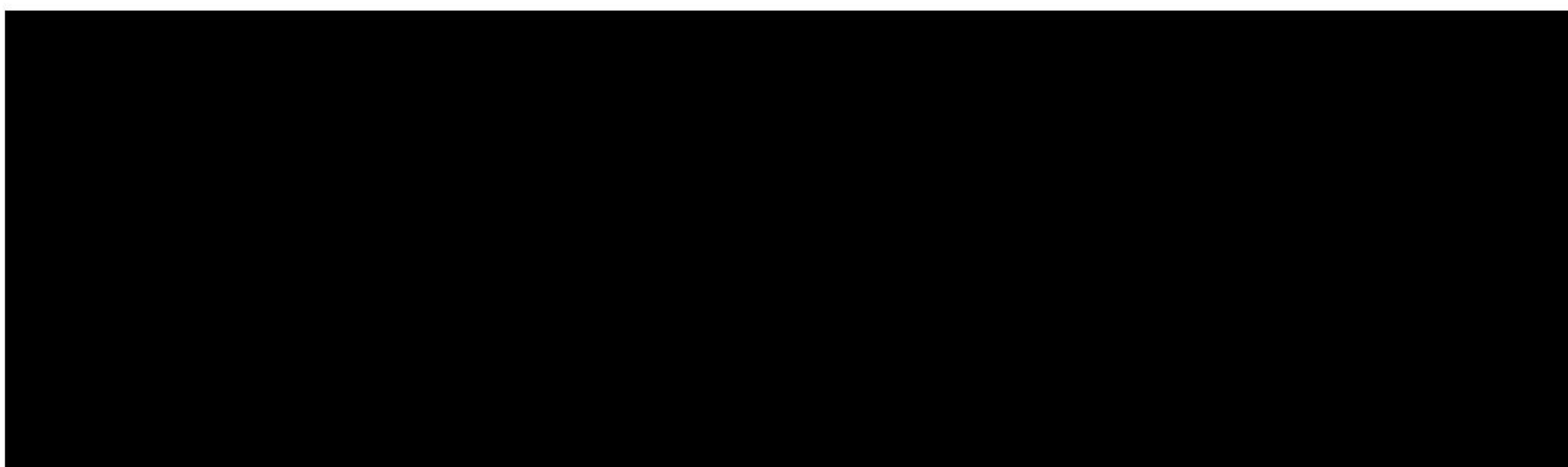
In respect of the affordable housing provision on site. You are aware that my clients have been actively pursuing a sale of the affordable units to an RSL (Registered Social Landlord) for over 4 years now, with no success. The lack of RSL interest appears to be largely due to the small number of units proposed.

Having explored different options for the units, and through engagement with the Council, we consider that a change in tenure to First Homes would be more appropriate for the site. Therefore, we are requesting an amendment to the S106 to allow the three flatted units to be delivered as First Homes.

The First Homes will be delivered in accordance with guidance set out by the Government; summarised as follows:

- a) must be discounted by a minimum of 30% against the market value;
- b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).

Please liaise with our appointed solicitor Kirsty Perryman-Best, in order to draft the DoV and arrange for it to be signed. Contact details:



Please confirm as soon as possible what the Councils fee for undertaking the DoV would be so that we can arrange payment along with the relevant contact details of your solicitor.

My clients are very keen to progress matters quickly and given that the amendments have either been previously drafted, or follow standard wording provided by the Government, we do not anticipate this process to be complex or time consuming.



Included with this submission are the completed application forms, a Location plan and site plan (combined page) and a plan identifying the land to which the First Homes restrictions will apply. We trust that this provides you with everything that you need (aside from the fee) in order to validate this application.

Please do not hesitate to contact me if you have any queries. Thank you for your ongoing support for this project.

Kind Regards,

