



Charles Church

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Our Ref: 550-DOV rev 1

Wiltshire Council Planning Department
Bythesea Road,
Trowbridge,
Wiltshire,
BA14 8JN

Date: 18th August 2026

Dear Sir or Madam,

**Application to vary the Section 106 relating to Outline application PL/2023/06204 at
Land at High Street, Sutton Benger.**

I write to you in connection with approved development at Land at High Street, Sutton Benger. This cover letter accompanies an application for a Deed of Variation to the Section 106 Agreement (S106) under s106A of the Town and Country Planning Act (TCPA) 1990.

Planning Context

Legislation within S106A(1) of the TCPA 1990 states that;

A planning obligation may not be modified or discharged except — (a) by agreement between the authority by whom the obligation is enforceable ... and the person or persons against whom the obligation is enforceable; or (b) in accordance with (i) this section and section 106B, or (ii) sections 106BA and 106BC.

S106A(3) further states that;

A person against whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the local planning authority by whom the

obligation is enforceable ... for the obligation — (a) to have effect subject to such modifications as may be specified in the application; or (b) to be discharged.

S106A(4) clarifies that '*the relevant period*' within S106A(3) means such period as may be prescribed, or, if no period is prescribed then it is the period of five years from the date on which the obligation is entered into.

The S106 Agreement associated with Outline application PL/2023/06204 was signed on 19th December 2024. As no other period is prescribed, the local planning authority are not obligated to consider modification of the S106 as the relevant time period (five years) has not yet passed. However, the following letter sets out the clear benefit to amending the S106, as agreed by Wiltshire Council, which will allow for the uninterrupted delivery of Affordable Homes. As such, it is concluded that this application can be considered.

Background

Outline Planning Permission (OPP) was granted in January 2025 under application reference PL/2023/06204 for the development of up to 60 dwellings on land known as 'Land at High Street', Sutton Benger.

Subsequently, a Reserved Matters application for 60 homes was submitted in December 2025 and is expected to be determined in August 2026. This application includes details of the remaining reserved matters (appearance, landscaping, layout and scale). Within this, Charles Church submitted details of the 24x Affordable Homes; a mixture of 4x Affordable Rent, 13x Shared Ownership and 7x First Homes, in accordance with the S106 indicative mix.

During the course of the Reserved Matters application, Charles Church approached twenty-four different Registered Providers (RP's) for offers relating to the 17x Affordable Rent and Shared Ownership homes. The First Homes units are sold directly by the developer so do not form part of the Affordable Housing tendering process.

Unfortunately, and despite regular follow ups, none of the twenty-four RP's provided an offer for these 17x homes. Feedback was varied, but generally RP's declined to offer because either the development was too small or they had no available capacity. A tender response tracker can be provided if requested.

Wiltshire Councils Housing Enabling team have also distributed additional tender requests however still no offer for the 17x homes has been received. In addition, the Affordable Homes were added to the Homes England 'S106 Affordable Housing Clearing Service', but this also did not attract any interest.

Proposed modification

In order to secure delivery of all 24x Affordable Homes it is proposed that the tenure of the 17x Affordable Rent and Shared Ownership homes is amended to either First Homes or Discount Market Units as both of these tenures can be sold directly by the Developer (at discount market rates) without requiring partnership with an RP.

The 'indicative mix' within the S106 agreement provides the flexibility to amend the schedule and tenure of the affordable housing without amendment to the S106 agreement, however whilst there is already inclusion of First Homes there is currently no definition or supporting text to define the requirements of Discount Market Units within the S106 Agreement. The exact tenure of the Affordable Homes will still be secured by way of a planning application, however the requested amendment to the S106 allows for Discount Market Units to be included within that mix. As such, the following amendments are proposed within this DOV;

- Include the definition of 'Discount Market Units'
- Include a section within Schedule 1 detailing the requirements of Discount Market Units

As described above, Charles Church has previously provided evidence to Wiltshire Council's Housing Enabling Team and Planning Officer of the communication demonstrating that it has not been possible to secure delivery of the associated 17x Affordable Rent and Shared Ownership homes with a Registered Provider. The tenure of these new homes is now proposed to be amended to either First Homes or Discount Market Units, the latter which would be facilitated by the requested DOV.

If any further supporting evidence or information is required then please contact Charles Church via the details listed on the application form. I hope these changes are acceptable and that you will recommend this Deed of Variation for approval.

Yours sincerely,



Tom Bostock
Senior Planner

Charles Church (Wessex)