

SCHEDULE 1

AFFORDABLE HOUSING

1 Definitions of Words and Phrases used in this Schedule:

"the 2008 Act"	The Housing and Regeneration Act 2008
"Affordable Dwelling"	Any dwelling erected on the Land pursuant to the Planning Permission
"Adjoining Housing Authority"	South Hams District Council and West Devon Borough Council
"Affordable Housing Criteria"	<p>The criteria which a person must fulfil to the satisfaction of the Authority or its nominee to become a Qualifying Person, namely being:</p> <ul style="list-style-type: none">(i) in need of suitable permanent housing; and(ii) unable to afford to pay market rents or the open market price for reasonably suitable permanent housing; and(iii) without any preference or priority order, a local person who –<ul style="list-style-type: none">(a) currently lives in the parish of Buckfastleigh, or a rural parish adjacent to Buckfastleigh and having done so throughout the previous five years; or

- (b) lived previously in Buckfastleigh or a rural parish adjacent to Buckfastleigh for a continuous period of at least five years, but who moved away at some time in the past three years; or
- (c) has a strong local connection with Buckfastleigh or a rural parish adjacent to Buckfastleigh by reason of, for example, upbringing or current employment.

"Affordable Rent"

means a monthly or weekly rent payable for an Affordable Dwelling that –

- (a) when let by a Registered Provider of Social Housing does not exceed the relevant target rent established by applying the criteria set by the TSA for Registered Provider of Social Housings operating in Dartmoor National Park; and
- (b) in all other cases, does not exceed 75% of the prevailing market rate for a property providing equivalent accommodation within the locality

"Housing Register"

the housing allocation system in use by the Local Housing Authority at the time an Affordable Dwelling is let in accordance with this Schedule

"Local Housing Authority"	Teignbridge District Council
"Qualifying Person"	any person who, together with their spouse or partner, their children and dependants, fulfils the Affordable Housing Criteria.
"Registered Provider"	has the meaning given by section 80(2) of the 2008 Act
"TSA"	the Office for Tenants and Social Landlords, otherwise known as the "Tenant Services Authority", established under Section 81 of the 2008 Act.

2 The Owner's Obligations

- 2.1 The Owner has covenanted with the Authority to perform the Obligations set out in this Schedule.

General obligations

- 2.2 To notify the Authority in writing of the date of Commencement of Development within 28 days of such date.
- 2.3 To manage and deal with the Development, the Land and the Affordable Dwellings at all times as affordable housing in accordance with the Obligations set out in this Schedule.

Disposal and dealings in the Land restricted

- 2.4 No estate or interest in any Affordable Dwelling shall be created, assigned, transferred or disposed of, except:
- (a) in accordance with this Schedule; or
 - (b) pursuant to any authorisation of the TSA; or
 - (c) pursuant to any Order of the Court; or
 - (d) pursuant to any statutory authority; or
 - (e) to a Registered Provider of Social Housing.

Persons who may acquire or occupy Affordable Dwellings on the Land

2.5 Subject to the following sub-paragraphs of this Schedule, not to sell, let or otherwise permit to be occupied any Affordable Dwelling except to (or by) a Qualifying Person.

2.6 The period of residence required of a Qualifying Person in sub-paragraphs (iii)(a) or (b) of the definition of Affordable Housing Criteria in paragraph 1 of this Schedule shall be reduced to at least one year in the following circumstances only -

- (a) the Owner is a Registered Provider of Social Housing;
- (b) the dwelling to be occupied by the Qualifying Person is an Affordable Dwelling let (and to be let) at an Affordable Rent; and
- (b) the Affordable Dwelling is to be occupied by -
 - (i) a person or persons requiring an element of care and assistance in independent living; or
 - (ii) by a person or persons moving from a residential institution

Provided always that all other criteria of a Qualifying Person shall be and are in fact fulfilled.

2.7 Where an Affordable Dwelling is to be let, if no Qualifying Person can be found after diligent enquiries within a period of six weeks from the date that a nomination is first requested in writing from the Local Housing Authority, the Owner shall be free on that one occasion only to let the dwelling to any person:

- (a) currently living within Dartmoor National Park who -
 - (i) is in housing need;
 - (ii) is registered on the Local Housing Authority's Housing Register; and
 - (iii) has a local connection with the Local Housing Authority's area by -
 - (aa) currently living in that area through choice;
 - (bb) having a main source of employment or work in that area;
 - (cc) having lived through choice in that area for at least five out of the last ten years and now wishing to return to live in that area; or
 - (dd) being owed a statutory duty to be rehoused by the Local Housing Authority.

2.8 Where sub-paragraph 2.7 has been applied and after a period of two weeks no person meeting the criteria set out in that sub-paragraph has been found, those same criteria shall be applied substituting "Adjoining Housing Authority" for "Local Housing Authority and, for the avoidance of doubt, the obligation shall be to make reasonable enquiries of each and every Adjoining Housing Authority.

2.9 Where paragraph sub-paragraph 2.8 has been applied and after a period of two weeks no person meeting the criteria set out in that paragraph has been found, the Affordable Dwelling may be let to any person in housing need and registered on the Housing Register of the Local Housing Authority or an Adjoining Housing Authority.

Restrictions on tenancy and rent

2.10 No Affordable Dwelling may be let to any person entitled under this Schedule to occupy that dwelling, save -

- (a) at an Affordable Rent; and
- (b) by way of –
 - (i) an assured tenancy agreement, a starter tenancy agreement, or such other form of tenancy agreement as may be approved from time to time by the TSA or the Local Housing Authority; or
 - (ii) a periodic tenancy where the Development has been completed without recourse to public funds.

Sale of Affordable Dwellings to Qualifying Persons

2.11 Subject at all times to the limitations in this Schedule on who may own or occupy an Affordable Dwelling, no estate or interest in any Affordable Dwelling shall be created, assigned, transferred or disposed of, unless prior to entering into any contract or other legally binding agreement, the following criteria shall have first been satisfied:

- (a) the Authority shall be notified in writing of the intention to transfer or otherwise dispose of that estate or interest;
- (b) not less than three written valuations of the Affordable Dwelling, conducted by reputable estate agents or property valuers, shall be obtained and copies submitted to the Authority for approval, such valuations expressly taking into account the occupancy restriction applied to the Affordable Dwelling under this Deed and prevailing market prices;
- (c) all sales particulars produced in respect of the Affordable Dwelling shall state fully and clearly the restrictions on occupancy and price applicable to the Affordable Dwelling under this Deed and inform

prospective purchasers that these restrictions will be effective to bind all future owners and occupiers;

- (d) the price to be paid on any transfer or other disposal, taken together with any monetary or other valuable consideration paid in connection with the transfer or disposal shall not exceed an amount equal to 75% of the second lowest of the valuations obtained in accordance with clause 2.11(b) above;
- (e) prior to completion of the transfer or other disposal, the Owner's Solicitor shall certify in writing to the Authority that the price to be paid on the transfer or other disposal of the Affordable Dwelling, taken together with any monetary or other valuable consideration to be paid in connection with the transfer or disposal, does not exceed an amount equal to 75% of the second lowest of the valuations obtained in accordance with clause 2.11(b) above.

2.12 At any time prior to, or following a transfer or disposal of an Affordable Dwelling, the Authority may request and the Owner shall provide evidence in writing to the reasonable satisfaction of the Authority that the Owner (or, as the case may be, the prospective purchaser) is a Qualifying Person.

IN WITNESS of which the parties hereto have executed this Deed the day and year first before written

The Common Seal of)
DARTMOOR NATIONAL PARK AUTHORITY)
Was affixed)
In execution as a Deed in the)
Presence of :

..... 
Chief Executive (National Park Officer)

Document no. 462

