

Schedule 2

Affordable Rented Dwellings

Part A - Definitions

1

In this Schedule unless the context otherwise requires the following expressions shall have the following meanings:-

Affordable Rent a rent which does not exceed 80% of open market rent for the relevant dwelling in accordance with guidance published by the Regulator from time to time.

Exempt Person means any person who in relation to an Affordable Rented Dwelling has:

- (a) exercised the right to acquire an pursuant to the Housing Act 1996 or any statutory provision for the time being in force (or any equivalent contractual right) in respect of a particular Affordable Rented Dwelling;
- (b) exercised any statutory right to buy or preserved right to buy (or any equivalent contractual right).

Housing Need where a person does not have available to him or her and cannot afford (personally or jointly with other members of his or her household) to acquire or rent a home suitable for his or her needs and the needs of their household at normal market values prevailing in the district.

Local Requirement

- (c) a minimum continuous residence by a prospective occupier of five years in the Parish immediately prior to the Offer Date; or
- (d) residence by a prospective occupier in the Parish for five years within the ten years preceding the Offer Date; or
- (e) where one or both parents or guardians of a prospective occupier have resided in the Parish for a minimum period of ten years prior to the Offer Date; or
- (f) where a prospective owner or occupier has had continuous employment in the Parish for the past five years prior to the Offer Date; or
- (g) a key worker under a scheme approved by the Council.

Offer Date the date an Affordable Rented Dwelling is offered to a prospective occupier

Parish the Parish of Halwill

Regulator means the Homes and Communities Agency acting through the Regulation Committee established by it pursuant to Part 2 of the Housing and Regeneration Act 2008 or any similar future authority (including any statutory successor) carrying on substantially the same regulatory or supervisory functions.

Part B - The Planning Obligation

1 The Owner undertakes: -

- 1.1 not to provide nor allow the Occupation of any Affordable Rented Dwelling other than for rent by a tenant of the Owner; and
- 1.2 not to charge or levy a rent in respect of the Affordable Rented Dwelling which exceeds an Affordable Rent; and
- 1.3 not do anything in relation to the provision of an Affordable Rented Dwelling which conflicts with the Council's requirement that such dwelling shall always be available as Affordable Housing

PROVIDED THAT this paragraph 1 shall not apply to an Exempt Person or any Mortgagee or Chargee of an Exempt Person or any person deriving title from an Exempt Person or any successor in title thereto and their respective Mortgagees and Chargees.

2 No person shall Occupy an Affordable Rented Dwelling unless that person: -

- 2.1 was a person in Housing Need and had a Local Requirement at the time of his or her first Occupation of an Affordable Rented Dwelling; or
- 2.2 is a member of a household of and living with a person who had a Local Requirement at the time of his or her first Occupation of the Affordable Rented Dwelling; and (in either case)
- 2.3 occupies that Affordable Rented Dwelling as his or her sole or main residence

but nothing in this clause shall require any person who satisfied the requirement in paragraph 2.2 above when they first Occupied the Affordable Rented Dwelling to vacate the Dwelling if they cease to qualify under paragraph 2.2 by virtue of death, hospitalisation or breakdown of a relationship with a person who qualified under paragraph 2.1.

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- 3.1 If no prospective occupier meeting the Local Requirement wishes to Occupy the Affordable Rented Dwelling within a period of 1 month from the date that the Affordable Rented Dwelling becomes available for Occupation, Occupation is permitted by a person in Housing Need with a Local Requirement applied to the following parishes: Northlew, Beaworthy, Germansweek, Broadwoodwidge, Ashwater, Black Torrington.
- 3.2 If after a period of 2 months from the date the Affordable Rented Dwelling becomes available for Occupation, no prospective occupier in Housing Need meeting the Local Requirement wishes to Occupy the Affordable Rented Dwelling, then an occupier in Housing Need who meets a Local Requirement applied to any parish within the District of Torridge shall be permitted
- 3.3 Should there still be no suitable prospective occupier after a further period of 4 months from the date the Affordable Rented Dwelling becomes available for Occupation, an occupier from any parish within the County of Devon or within the former District of North Cornwall may Occupy the relevant Affordable Rented Dwelling

PROVIDED THAT during the said periods the Affordable Rented Dwelling shall have been continually marketed within the Parish or District, as appropriate, at a rent not exceeding the Affordable Rent.

- 4 The Owner shall not allow the Occupation of the Affordable Rented Dwelling by any person unless that person complies with the requirements of paragraph 2 to this Schedule as applicable.
- 5 Where the Owner of the Affordable Rented Dwelling is an RP the Affordable Rented Dwelling may also be Occupied in accordance with any nomination and management agreement in effect between the Council and that RP from time to time.
- 6 For the avoidance of doubt the provisions and restrictions contained or referred to in this Schedule 2 shall not apply to any Mortgagee or its successors in title provided that the provisions of Clause 4 have been complied with and Clause 4 will prevail