

Schedule 1 Affordable Housing

1. The following definitions shall apply in this Schedule 1:

Advertising: the advertising for sale or letting of any interest in the relevant Discounted Market Sales Housing Unit in accordance with a scheme to be approved by the Council which scheme shall include (unless otherwise agreed with the Council) an advertisement on the website of Help to Buy South ~~West~~ or any other similar organisation promoting Intermediate Housing and such other advertising such as through local estate agents and social media channels as shall be agreed in writing by the Council. *Help to Buy*

Affordable Dwellings: 30% of the Dwellings to be provided as Affordable Housing and reference to **Affordable Dwelling** shall mean any one of them.

Affordable Housing: Social Rented Housing or Intermediate Housing provided to eligible households whose needs are not met by the market, where eligibility is determined with regard to local incomes and local house prices and which remains at an affordable price for future eligible households and as defined in Annex 2 to the NPPF.

Average Annual Household Income: the average annual household income for households within the District provided by CACI or such successor organisation appointed by the Council to provide such information.

Affordable Housing Scheme: a scheme for the provision of the Affordable Housing forming part of the Development to be submitted by the Owner to the Council which shall include (unless otherwise agreed with the Council):

- (a) Arrangements for the provision of the Affordable Dwellings;
- (b) Phasing of the Open Market Dwellings and the Affordable Dwellings;
- (c) Location of the Affordable Dwellings;
- (d) Details of the unit size of the Affordable Dwellings;
- (e) Arrangements for the transfer of the Affordable Dwellings (if required) to a Registered Provider

and to be submitted to the Council in the form attached at Appendix 2.

Affordable Rent: rent controls that require a rent of no more than 80% of local open market rent (including service charges where applicable) at the time of letting which may be increased by no more than the Consumer Price Index plus 1% annually or other such amount as prescribed by HE.

Affordable Private Rent: rent at least 20% below local market rents as defined in paragraph a) to the definition of "Affordable housing" in Annex 2 to the NPPF but for the avoidance of doubt excluding Social Rent and Affordable Rent.

Affordable Private Rented Housing: means the Affordable Dwelling(s) to be let at an Affordable Private Rent.

CACI: the Council's external consultant data and statistics provider.

County: means the County of Devon.

Devon Home Choice: the method or body agreed by the Council in accordance with Department for Communities and Local Government guidance: "Allocation of Accommodation: Choice Based Lettings" (August 2008) for the allocation of Affordable Housing for rent in the District.

Discounted Market Sales Housing: Affordable Housing for sale as described in paragraph c) to the definition of "Affordable housing" in Annex 2 to the NPPF.

Discounted Market Sales Housing Units: the Dwellings to be provided for Discounted Market Sales Housing and **Discounted Market Sales Housing Unit** shall be construed accordingly.

District: the administrative area of Torridge District Council.

Help to Buy South West: the method or body agreed by the Council for the nomination of Discounted Market Sales Housing and Shared Ownership Housing available to buy in the District.

Homes England (HE): the agency so named and established under the Housing and Regeneration Act 2008 for the purpose of procuring and regulating the provision of Affordable Housing and any body that replaces it for the purpose of those functions.

Housing Need: a person who does not have available to him and could not afford (personally or jointly with other members of his household) to acquire or rent a home

suitable for his needs and the needs of their household at the normal market values prevailing in the District.

Intermediate Housing: Affordable Housing made available for sale or rent as (at the sole discretion of the Owner) Shared Ownership Housing, Discounted Market Sales Housing or housing let at an Affordable Private Rent.

Intermediate Housing Units: the Dwellings to be provided for Intermediate Housing and **Intermediate Housing Units** shall be construed accordingly.

Local Connection: a connection with the District or the County (as appropriate) and as demonstrated to the reasonable satisfaction of the Council as follows:

- (a) at least 1 (one) adult in the household was resident continuously in the Qualifying Area for a minimum of 5 (five) years immediately prior to first Occupation; or
- (b) at least 1 (one) adult of the household was resident in the Qualifying Area for 5 (five) years within the previous 10 (ten) years immediately prior to first Occupation; or
- (c) at least 1 (one) parent, guardian, child or sibling of at least 1 (one) adult in the household has been resident in the Qualifying Area for a minimum of 5 (five) years immediately prior to first Occupation; or
- (d) at least 1 (one) adult in the household has been in continuous employment for at least 16 (sixteen) hours a week in the Qualifying Area for at least 5 (five) years immediately prior to first Occupation.

Mortgagee: a mortgagee or chargee (or any receiver including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed including a housing administrator).

NPPF: the National Planning Policy Framework document published in February 2019.

Open Market Value: the price which 100% of the freehold interest in a Dwelling would fetch if sold on the open market by a willing vendor to a willing purchaser and disregarding the obligations contained in this Deed which price is to be determined

in the event of disagreement by a member or fellow of the Royal Institution of Chartered Surveyors at the cost of the Owner.

Protected Tenant: any tenant who:

- (a) has exercised the right to acquire pursuant to the Housing Act 1996 or any statutory provision for the time being in force (or any equivalent contractual right) in respect of the Affordable Dwelling;
- (b) has exercised any statutory right to buy (or any equivalent contractual right) in respect of the Affordable Dwelling; or
- (c) has been granted a shared ownership lease by a provider of Affordable Housing (or similar arrangement where a share of the affordable housing unit is owned by the tenant and a share is owned by the provider of the Affordable Housing) in respect of the Affordable Dwelling and the tenant has subsequently purchased from the provider of the Affordable Housing all the remaining shares so that the tenant owns the entire Affordable Dwelling.

Qualifying Area: means the District or the County as appropriate.

Registered Provider: a body which is registered with HE as a provider of social housing under Part 2 of the Housing and Regeneration Act 2008 or such other class or body as may be constituted under any legislation replacing that provision.

Restricted Price: a price calculated in accordance with paragraph 2.5 of this Schedule 1 in respect of Shared Ownership Housing and paragraph 2.6 of this Schedule 1 in respect of Discounted Market Sales Housing.

Sale Notice: a notice which contains details of the Affordable Dwellings to be sold in the form set out and completed in accordance with Annex A to this Deed and which is delivered to the Council and clearly marked for the urgent attention of the Council's Strategic Enabling Officer.

Shared Ownership Housing: Affordable Housing where a person can buy a share in the property up to a maximum of 100% and the remaining share is held by a provider of Affordable Housing under a lease based on the appropriate form of shared ownership as published by HE.