

EN/C : Affordable Housing : HN 4 and 5: Criteria for occupation

Background

Following comments on the Pre-sub TNP has now been amended to incorporate the SDLP policy for Affordable housing but retains the criteria for occupation which WCC applied to Hewlett Close in 2010, following discussion with TPC.

The occupancy criteria applied to Hewlett Close are attached.

SDNPA object to the use of the Hewlett close criteria on the grounds that the SDNPA's criteria have been tried and tested and should be applied.

When the Hewlett Close criteria were settled in 2010, the cascade approach included other villages within Winchester District. As the focus of Twyford has now shifted to South Downs, TPC agree that the criteria need to be re-examined.

WCC remain the Housing Authority so would be responsible for the delivery of any affordable houses under these policies. TPC have discussed with WCC's Officers the Housing needs of the Parish and the policy for new occupants.

What is the SDLP policy for occupation of Affordable Housing?

SD 28 provides for the provision of affordable housing and in SD 28.4 for its occupation by those in need locally and with local connections. As explained in paras 7.58 – 7.68 of SDLP, they are to cover local need and local connection. The definition of what may constitute a local connection is to be determined by the Authority in close partnership with community led organisations, i.e. with the PC and LHA.

Local connection is assessed in a cascade manner to include in this order:

- The settlement
- The Parish
- The wider area including nearby settlements and parishes within the National park.

Rural local connection is to take precedence over other needs.

SDNPA: Supplementary Planning Guidance: Affordable Housing: Adopted July 2020

Although in draft in Feb 2020, this was not referred to by SDNPA in their comments on the TNP. The relevant extract which sets out the SD approach to the criteria and to defining "local

connection” is attached to this note. It appears to allow TPC flexibility to apply its own criteria through the TNP.

There are, however, clear differences between the Hewlett Close criteria and the SDNPA’s. The Hewlett Close approach gives more weight to family connections, for instance putting in the top categories, those living outside the parish and even outside the SDLP provided they have been born or brought up in the Parish and/or have relatives living in the Parish.

SDLP criteria give higher priority than the TNP ones to:

1. Those resident in the village above the parish
2. Those living in the settlements within the National Park
3. Those working or about to work in the Parish.

### TPC’s position

TNP developed its local connection criteria in 2010 for the Hewlett Close development of social housing in partnership with WCC as Housing Authority. This prioritizes those born in the village, at school here and with parents living here. These may include people who have been forced to live elsewhere but with parents still in the Parish. The children of people living in Twyford are more likely to move to houses in Colden Common or Eastleigh than to Twyford itself or to other villages in the SD, all of which share Twyford’s issues of affordability. Twyford’s geographical position makes the settlements closer but outside the park more convenient for access to Twyford, to other facilities and to work. The Hewlett Close criteria focus on the long term family connection with Twyford regardless of the current place of residence being in the NP. This conforms with the statutory objective of NP policy “to have regard to the social and economic well being of local communities”

Work is included as one justification in the criteria but is given a lower priority because

- There are large numbers of employees within the parish already (approx. 500) with the prospect of a further 300.
- Most of those employed in the village come from outside the Parish
- Twyford is easily accessible from the much larger settlements to the north, south and west, all outside the SDNP
- Family ties with the village are seen as more important than work ones, where there is such a shortage of supply.

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There was no difficulty in finding people who met these very local criteria and they have been applied since to re-occupations. We understand that those on the waiting list also fulfil the criteria.

SDNPA's are less specific, give the village priority over the parish and have less focus on the long village connections which characterise Twyford's people.

TPC understand that it is unusual to go into such detail on occupancy criteria at this stage; however, the objections by SDNPA and the adoption of specific criteria in SPD, justify clarifying the Twyford position in the TNP.

### Exception Sites. HN5.

As Exception Sites are for 100% affordable housing, the same criteria on occupancy apply as for affordable housing on market housing sites. SDNPA object for the same reasons; TPC responses above also address these concerns.

### Action:

1. Amend wording of Hewlett Close criteria to recognise Twyford's National Park status;
2. Maintain Hewlett Close criteria as the basis for affordable housing delivered through TNP HN4 and HN5

**Appendix 1: 2008-10 Hewlett Close Criteria for Affordable Housing**

4. Criteria in compiling List of Nominees

*In compiling a list of nominees the Council shall apply the following criteria:-*

*1.1. the need of such persons for accommodation in the Development*

*1.2. without prejudice to the generality of the foregoing in defining “need”, consideration shall be given inter alia:*

*1.2.1. to the requirement of the applicant for accommodation of the type concerned in the Development and*

*1.2.2. to the inability of such applicant to afford similar accommodation on the open market whether for rental or purchase within the Parish.*

*1.3 preference shall be given to applicants who are able to establish and prove a strong local connection with the Parish. For the purposes of this Agreement a person shall be taken to have a strong local connection if he or she satisfies any one or more of the following criteria:*

*(i) he or she is ordinarily resident in the Parish at the date of allocation*

*(ii) he or she was previously ordinarily resident in the Parish prior to the date of allocation and has family who ordinarily reside there*

*(iii) he or she has a demonstrable need to live in the Parish by reason of:*

*a. his/her current employment in the Parish*

*b. his/her taking up permanent employment in the Parish*

*(iv) he or she has a demonstrable need to reside in the Parish either to support or to be supported by another member of his/her family who ordinarily reside in the Parish at the date of allocation.*

*First priority will be given to households that meet both criterion (iv) AND (i) or (ii)*

*A person shall be taken to be a member of another's family if he or she is the spouse civil partner mother father sister brother daughter son grandparent or grandchild of that other person or if he or she ordinarily resides with that other person as husband or wife or partner but without being legally married to (or in a civil partnership with) that person.*

*Family includes adopted and step relatives.*

*Eligible Persons nominated by the Council and selected in the following order of priority:*

*i) persons who meet the local connection criteria set out above with Twyford Parish for at least 10 years*

*ii) persons who meet the local connection criteria set out above with Twyford Parish for at least 3 years*

*iii) persons who meet the local connection criteria set out above with the Twyford Parish for more than one year*

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*iv) persons who meet the local connection criteria set out above with the Parishes of Colden Common, Compton & Shawford, Otterbourne or Owslebury for at least 10 years*

*v) persons who meet the local connection criteria set out above with the Parish of Colden Common, Compton & Shawford, Otterbourne or Owslebury for at least 3 years*

*vi) persons who meet the local connection criteria set out above with the Parishes of Colden Common, Compton & Shawford, Otterbourne or Owslebury for more than one year*

*vii) persons who demonstrate a housing need and are unable to afford suitable accommodation on the open market within the administrative area of the Local Authority and who is ordinarily resident in one of the rural villages in Winchester District.*

*1.4 The Council shall have the discretion if necessary to permit applicants to under-occupy the Affordable Housing Dwellings by one bedroom to ensure sustainability of the Development and its occupation by persons with a strong local connection.*

### **APPENDIX 2: EXTRACT from SDNPA: Supplementary Planning Document on Affordable Housing: adopted July 2020**

#### Applying occupancy restrictions and local connections criteria

2.19 Policy SD28 part 4 states that occupancy conditions and local connections criteria will be applied to affordable housing to ensure local needs are met. The SDLP in paragraph 7.61 states that local connections will be assessed in a cascade manner, as outlined in the S106 agreement, to include the respective needs of:

- i) the relevant settlement, then
- ii) the parish, then
- iii) the wider area including nearby settlements and parishes within the National Park.

2.20 Therefore, in line with paragraph 7.61 of the SDLP, the following cascade will be followed when assessing local connections in relation to prioritising the allocation of homes to local people in need of affordable housing for all forms of affordable housing delivery:

Priority 1: Local connection to the settlement where development is proposed;

Priority 2: Local connection to the parish where development is proposed, and partly or wholly within the South Downs National Park;

Priority 3: Local connection to the contiguous neighbouring parish, to the parish within which development is proposed, and partly or wholly within the South Downs National Park; and finally

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Priority 4: Local connection to another nearby parish partly or wholly within the South Downs National Park.

2.21 Paragraph 7.62 of the SDLP states that local connections will be determined primarily by the Authority, parish council and relevant housing authority. Paragraph 7.81, with respect to Rural Exception Sites, also cross-refers to the requirement for conditions to ensure the needs of local people are being met. For avoidance of doubt, such conditions and criteria will be set out in the Section 106 Agreement and/or in the planning permission conditions. The specific local connection criteria will depend on where the scheme is proposed. In addition, the local connection criteria applied to a specific site may reflect evidence provided by relevant community-led and legally constituted organisations or Community Land Trusts where applicable. Generally, the following will apply:

- a) Where there is a Neighbourhood Plan (NDP) which is 'made' or at an advanced stage of preparation, the relevant local connections policy will be used where included in the NDP.
- b) If the above does not apply, the starting point will be the most up-to-date housing allocations policy definition of 'local connection' that is applied by the relevant local housing authority, as applies in the South Downs National Park or in Designated Rural Areas<sup>7</sup> where specified, provided this prioritises need within South Downs National Park settlements or parishes and follows the cascade set out in paragraph 7.61 of the SDLP and paragraph 2.19 of this SPD.
- c) Where neither a. nor b. apply, the following will define a person or household considered to have a local connection. The area to which this relates will be dependent on where has been reached in the cascade set out in paragraph 2.19 above.
  - i. Ordinarily resident in the National Park, or
  - ii. Previously ordinarily resident, or
  - iii. Currently employed by, or is due to take up permanent employment with, an established employer with a registered business premises based in the relevant area, or
  - iv. Has demonstrated a need for essential support by a family member who is ordinarily resident.
- d) The cascade from settlement / parish / wider area within the South Downs National Park will be applied in accordance with the availability of prospective residents on the relevant housing register(s) within each of these respectively or any other locally upto-date evidence such as a local housing needs assessment.
- e) Where alternative criteria are proposed, for example to respond to the particular needs of a rural estate, large farm, or as expressed in a Neighbourhood Development Plan, this should be clearly evidenced. Material weight will be given to this when evidenced in an endorsed Whole

Estate Plan or as otherwise robustly evidenced in respect of the specific circumstances of the scheme.

2.22 Occupancy conditions will may be applied to limit future occupants to ensure the dwelling remains available to those with a local connection in perpetuity. Occupancy conditions may also be applied where there is a proven need for those with a particular work connection, in respect to maintaining the special qualities of the National Park. Regard will be had as appropriate to Development Management Policy SD32: New Agricultural and Forestry Workers' Dwellings. Discount Market Sales

2.23 To ensure Discount Market Sales affordable housing meets local needs, occupancy conditions and local connections criteria will be applied as set out in Policy SD28 part 4. Marketing arrangements will be included in a S106 agreement and will include minimum marketing

## APPENDIX 2

Extract: Sec106: Humphreys 2008-10. Hewlett Close Criteria for Affordable Housing.

### 4. CRITERIA IN COMPILING LIST OF NOMINEES

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- 1.2. without prejudice to the generality of the foregoing in defining "need" consideration shall be given *inter alia*
  - 1.2.1. to the requirement of the applicant for accommodation of the type concerned in the Development and
  - 1.2.2. to the inability of such applicant to afford similar accommodation on the open market whether for rental or purchase within the Parish .
- 1.3 preference shall be given to applicants who are able to establish and prove a strong local connection with the Parish. For the purposes of this Agreement a person shall be taken to have a strong local connection if he or she satisfies any one or more of the following criteria:
  - (i) he or she is ordinarily resident in the Parish at the date of allocation
  - (ii) he or she was previously ordinarily resident in the Parish prior to the date of allocation and has family who ordinarily reside there
  - (iii) he or she has a demonstrable need to live in the Parish by reason of:
    - a. his/her current employment in the Parish
    - b. his/her taking up permanent employment in the Parish
  - (iv) he or she has a demonstrable need to reside in the Parish either to support

or to be supported by another member of his/her family who ordinarily reside in the Parish at the date of allocation

**First priority** will be given to households that meet both criterion (iv) AND (i) or (ii)  
A person shall be taken to be a member of another's family if he or she is the spouse civil partner mother father sister brother daughter son grandparent or grandchild of that other person or if he or she ordinarily resides with that other person as husband or wife or partner but without being legally married to (or in a civil partnership with) that person.

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