

# Affordable Housing Evidence of James Stacey BA (Hons) Dip TP MRTPI

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Land off Bullens Green Lane, Colney Heath



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Outline planning application for residential development of up to 100 dwellings, including 45% affordable and 10% self-build, together with ancillary works

Land off Bullens Green Lane, Colney Heath

Canton Ltd

March 2021

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# Executive Summary

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- i. This Proof of Evidence deals specifically with affordable housing and the weight to be afforded to it in the planning decision in light of the evidence of need in the area.
- ii. The proposed development is for up to 100 dwellings, of which 45% (up to 45 dwellings) are to be provided as affordable housing. This exceeds the requirements of policy 7A (30%) of the St Albans District Local Plan Review (1994); policy H7 (30%) of the Welwyn Hatfield District Plan (2005); and emerging policy SP7 (35%) of the emerging Welwyn Hatfield Borough Council Local Plan 2013-2032.
- iii. There is irrefutable evidence of an acute national housing crisis. The former Housing Minister recently described the shortage of housing in the UK as possibly the largest scandal to hit the country in the past 30 years. Ms McVey (**CD9.11**) the housing crisis has led *“to a rise in renting and costs, and to a fall in home ownership which has destroyed the aspiration of a generation of working people.”*  
  
*“Since the mid-1990s, house prices have risen to 8 times, 10 times, 12 times, in some of the most expensive parts of this country 44 times the actual income of someone, that cannot be right”,* claimed the former Housing Minister.
- iv. Meanwhile in a House of Commons debate in September 2019 it was resolved that *“this House notes with concern the ongoing shortage of housing and the housing crisis across England; further notes with concern the number of families in temporary accommodation and the number of people rough sleeping; [and] acknowledges that there are over one million households on housing waiting lists...”*
- v. In a speech on 4 March 2020 to the Planning Inspectorate, the current Housing Minister, Christopher Pincher stated that:  
  
*“I know a lot about the need for new and better homes. Because in my part of the world, houses for purchase and rent are appreciatively more expensive than in other parts of the West Midlands as we simply do not have enough homes.*  
  
*There isn’t a week that goes by without my constituents contacting me saying, “Chris, we just aren’t able to buy or to rent the homes that we want to live in in this beautiful part of the world.” (emphasis added)*

- vi. More recently at his speech on 14 October 2020 to the District Councils' Network, Housing Minister Christopher Pincher stated that: *"Local plans do not provide for the ambition we have – 300,000 new homes each year – nor enough to meet the demands of organisations and such as KPMG and Shelter, both of which say we need to be building north of 250,000 homes a year to deal with the housing challenges that we have."*
- vii. On a national level, in every scenario, against every annual need figure identified since the publication of the Barker Review in 2004, the extent of the shortfall in housing delivery in England is staggering and ranges from a shortfall of -1,105,490 to a shortfall of -2,635,490 homes over the past 17 years depending on which annual target actual housing completions are measured against. However, the true picture is that since 1969 the scale of the shortfall is over 5.5 million homes have not been provided. Not once in the last 50 years has the country built more than 300,000 homes. In January 2019, Shelter reported at least three million new homes will need to be built in England over the next 20 years to solve the housing crisis.
- viii. Analysis undertaken by Shelter and Savills in June 2020 identifies a range of scenarios for housebuilding recovery following the significant impact Covid-19 has had for the housebuilding industry and the wider economy in 2020.
- ix. The scenarios anticipate that between 125,000 and 318,000 fewer new dwellings will be delivered in the five years 2020-2025, because of Covid-19, equating to a 9-23% drop in delivery. Of these, between 25,000 and 66,000 fewer affordable homes will be delivered (an 8-21% drop in delivery). Of these scenarios, the 'best case' assumes a rapid economic recovery (e.g. in light of medical advances) and the worst case assumes deeper and longer economic difficulties.
- x. Shelter recommends boosting social housing provision in order to support overall housing output, with social housing demand being counter-cyclical to the prevailing wider economy. This merely serves to further compound the acute affordability problems that the country is facing.

### **Key Findings**

- xi. **Affordable Housing Needs and Delivery in St Albans**
  - In St Albans the most recent assessment of housing need in the District is the South West Hertfordshire Local Housing Need Assessment (September 2020), covering the period 2020 to 2036. It finds a need for 828 affordable dwellings per annum.

- The South West Hertfordshire Strategic Housing Market Assessment 2013 to 2036 (2016) found a need for 617 dwellings in that period. Since the 2013 base date of the SHMA, the District has overseen the delivery of only 244 affordable completions between 2013/14 and 2019/20. Against the SHMA's requirement there is a backlog of -4,075 affordable dwellings.
- Since the base period of the SHMA in 2013, the Council have not once achieved the needs identified in the SHMA in any year.

xii. **Affordable Housing Needs and Delivery in Welwyn Hatfield**

- Within Welwyn Hatfield Borough, in the five-year period since the start of the 2017 SHMA Update period in 2015/16 net affordable housing delivery represented just 4% of overall housing delivery. This is equivalent to just 23 affordable homes per annum.
- When comparative analysis is undertaken with net affordable housing delivery since the base date of the 2017 SHMA Update and the full affordable housing needs identified by the SHMA, a shortfall of -4,090 net affordable homes has accumulated in just five years.
- The picture is just as bleak when comparison is made to the 2017 SHMA Update 'policy-on' figure of 160 affordable dwellings per annum over the period. In the five-year period since 2015/16 the council has over seen a shortfall of -687 affordable dwellings.
- Against the South West Hertfordshire Local Housing Needs Assessment covering the period from 2020 to 2036 and its objectively assessed need for 828 dwellings per annum the Council has not even achieved this number of affordable dwellings over the whole of the period from 2013/14 to 2019/20, only delivering 244 units.

xiii. **Future Delivery in St Albans**

- The scale of the affordability problem that the District is facing is evident when it is considered that were backlog needs to be addressed within the next five years using the Sedgefield approach, there is a net need for 1,185 affordable homes per annum, yet this is an Authority that has only achieved an average delivery rate of 35 net affordable homes per annum over the past five years.
- Based on its five-year housing land supply assessment, the Council is at most only likely to deliver 156 affordable dwellings per annum significantly below the number

required to meet objectively assessed needs and the appellant's evidence is that supply is just 105 affordable dwellings per annum

xiv. **Future Delivery in Welywn Hatfield**

- The scale of the affordability problem that the Borough is facing is evident when it is considered that were backlog needs to be addressed within the next five years using the Sedgefield approach, there is a net need for 1,397 affordable homes per annum, yet this is an Authority that has only achieved an average delivery rate of just 23 net affordable homes per annum over the past five years.
- Based on its five-year housing land supply assessment, the Council is at most only likely to deliver 195 affordable dwellings per annum, significantly below the number required to meet objectively assessed needs and the appellant's evidence is that supply is just 136 affordable dwellings per annum

xv. **Affordability Indicators in St Albans**

Average Affordability Ratio

- The National Housing Federation (NHF) Home Truths report shows that in the period between 2013/14 and 2018/19 the average house price to average income ratio within the district increased from 10.5 to 14 which represents a 33% change.

Lower Quartile Affordability Ratio

- For those seeking a lower quartile priced property (typically considered to be the 'more affordable' segment of the housing market), the situation is even worse. The lower quartile house price to incomes ratio in St Albans has increased by 24% from 13.23 in 2013/14 to 16.92 in 2019/20.

House Prices

- Over the period between 2013/14 and 2018/19 the NHF report an average house price increase of 37%, rising from £444,919 to £609,774, this has resulted in the income required to purchase an average priced home in the district with an 80% mortgage rising from £101,696 to £139,777 in the space of just six years.
- By way of comparison, average earnings in the District saw an increase of just 12% from £42,448 to £42,739 over the same period.
- Median house price data shows that in St Albans prices consistently exceed both the national and regional average with a 50% increase within the district since 2013/14 compared to 48% regionally and 32% nationally.

### Private Rental Market

- The picture for renters in St Albans is not much better with the NHF reporting that average monthly rents increased 12% from £1,171 pcm to £1,310 pcm between 2013/14 and 2018/19.
- Valuation Office data indicates that in St Albans median private rents increased by 25% between 2013/14 and 2019/20 from £998 pcm to £1,250 pcm, outstripping the national average of 17%.
- The situation is even worse in the lower quartile private rental sector where VOA data indicates that rents have increased by 18% over the same period from £825 pcm to £975 pcm, which is higher than the national average of £550pcm or the regional average of £650pcm

### Housing Register

- At February 2021 there were a total of 534 households on the Council's Housing Register in St Albans, and of these seek to live in Colney Heath ward.
- As a result of changes introduced by the Localism Act 2011, Local Housing Authorities have been able to set their own Housing Register criteria from June 2012. For many authorities this has meant excluding applicants already on the list who no longer meet their new narrower criteria but who were still in need of affordable housing.
- Following the freedoms introduced by the Localism Act, St Albans have published new Housing Allocations Policies, reducing eligibility so that fewer and fewer people are eligible to join the Register. Such an approach does not reduce the need for affordable housing but instead makes it even harder for those unable to access open market housing to find a suitable place to live, with even more at risk of homelessness. It is important to remember that these are real people, in real need, now.

## xvi. **Affordability Indicators in Welwyn Hatfield**

### Average Affordability Ratio

- The National Housing Federation (NHF) Home Truths East of England report shows that in the period between 2015/6 and 2018/19 the average house price to average

income ratio within the borough increased from 11.9 to 15 which represents a 26% change.

#### Lower Quartile Affordability Ratio

- For those seeking a lower quartile priced property (typically considered to be the 'more affordable' segment of the housing market), the situation is even worse. The lower quartile house price to incomes ratio in Welwyn Hatfield has increased by 27% from 9.08 in 2015/16<sup>1</sup> to in 11.54 2019/20

#### House Prices

- Over the period between 2015/16 and 2018/19 the NHF report an average house price increase of 14%, rising from £394,636 to £452,773, this has resulted in the income required to purchase an average priced home in the Borough with an 80% mortgage rising from £90,203 to £103,482 in the space of just four years.
- By way of comparison, average earnings in the borough saw an increase of just 7% from £29,104 to £31,252 over the same period.
- Median house price data shows that in Welwyn Hatfield prices consistently exceed both the national and regional average with a 43% increase within the borough since 2013/14 compared to 43% regionally and 26% nationally Private Rental Market
- The picture for renters is not much better with the NHF reporting that average monthly rents increased 3% from £1,098 pcm to £1,130 between 2015/16 and 2017/18.
- The situation is not much better in the lower quartile private rental sector where VOA data indicates that rents have increased by 3% over the period from 2015/16 to 2019/20 £825 pcm to £850 pcm. £25 per month is a lot for those on low incomes, and £850 pcm is significantly higher than the regional figure (£650) or the national figure (£425).

#### Housing Register

- At 1 April 2020 there were a total of 2,286 households on the Council's Housing Register.
- This demonstrates that affordable housing delivery has persistently fallen substantially short of meeting identified housing needs.

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<sup>1</sup> The base date of the SHMA 2017

### Temporary Accommodation

- The extent of the affordable housing crisis within Welwyn Hatfield is such that, at 1 April 2020, there were 98 households being housed in temporary accommodation within the Borough. A further 13 households were housed in temporary accommodation outside of the Borough at 1 April 2020. This represents a 7% increase from the 104 households housed in temporary accommodation within and outside the Borough at 1 April 2019<sup>2</sup>.
- Not only does this mean that those in need of affordable housing are being housed in temporary accommodation, which is unlikely to be suited to their needs, but for those housed in temporary accommodation outside of the Borough they are also located away from their support network. This would be particularly problematic for those with young children, especially single parent families.

### Waiting times

- In addition to which the wait to be housed in an affordable home within the Borough ranges from 11 months for a 1-bed affordable home through to an astonishing 24 months for a 4-bed affordable home. This presents further stark evidence of the acute affordable housing crisis afflicting Welwyn Hatfield Borough.

By any measure of affordability, both St Alban and Welwyn Hatfield are authorities in the midst of an affordable housing crisis, and one through which urgent action must be taken to deliver more affordable homes.

In light of the key findings of my evidence and the acute need for affordable housing within St Albans and Welwyn Hatfield coupled with both Council's poor record of delivery compared with identified needs, I consider that nothing less than **very substantial weight** should be afforded to the delivery of up to 45 affordable homes through the appeal scheme in the planning balance.

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<sup>2</sup> The FOI response does not break down the 2019 figures between those housed in temporary accommodation within and outside the borough



# Introduction

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## Section 1

- 1.1 This Affordable Housing Proof of Evidence has been prepared by **James Stacey** of **Tetlow King Planning** on behalf of Canton Ltd.
- 1.2 The Proof of Evidence examines the affordable housing need in St Albans City and District and in Welwyn Hatfield Borough Council administrative areas and considers the weight to be attributed to affordable housing in the overall planning balance.
- 1.3 My credentials as an expert witness are summarised as follows:
- I hold a Bachelor of Arts (Hons) degree in Economics and Geography from the University of Portsmouth (1994) and a post-graduate diploma in Town Planning from the University of the West of England (UWE) (1997). I am a member of the Royal Town Planning Institute.
  - I have over 25 years' professional experience in the field of town planning and housing. I was first employed by two Local Authorities in the South West and have been in private practice since 2001. I am a Senior Director of Tetlow King Planning Ltd and have been a Director for the past eight years.
  - Tetlow King Planning operate from offices in Bristol and Kent. We have been extensively involved in a range of planning matters in the South East of England and have appeared at a number of Local Plan examinations in the region.
  - During the course of my career, I have presented evidence at over 70 Section 78 appeal inquiries and hearings. I act for a cross-section of clients, advise upon a diverse range of planning and housing related matters.
  - Both Tetlow King Planning generally and I have acted on a wide range of housing issues and projects for landowners, house builders and housing associations throughout the country. Tetlow King Planning has been actively engaged nationally and regionally to comment on emerging development plans, including the Regional Strategy, all Local Development Framework Core Strategies and many specific development plan and supplementary planning documents on affordable housing throughout the UK.



- 1.4 My proof deals specifically with affordable housing and the weight to be afforded to it in the planning balance, in light of evidence of need in the area.
- 1.5 In researching the evidence which underpins my evidence, I have placed reliance upon the information provided in Freedom of Information (FOI) requests seeking a range of information relating to affordable housing delivery.
- 1.6 These were submitted to St Albans Council on 4 June 2020 (reply on 3 July 2020 with what I consider to be an unreasonable reply stating that the costs of providing the information would exceed the statutory limits). A second FOI request was made 2 February 2021 (reply 26 February 2021) where full answers were given.
- 1.7 FOI requests were also made to Welwyn Hatfield Council on 4 June 2020 (reply 2 July 2020) and 2 February 2021 (reply 2 March 2021) Copies of all relevant correspondence relating to the FOI requests are included within **Appendix JS1 and JS2**.
- 1.8 In accordance with the Planning Inspectorate's Procedural Guidance, I hereby declare that:  
  
*"The evidence which I have prepared and provide for these appeals in this Statement is true and has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute. I confirm that the opinions expressed are my true and professional opinions."*
- 1.9 Providing a significant boost in the delivery of housing, and in particular affordable housing, is a key priority for the Government. This is set out in the most up-to-date version of the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), the National Housing Strategy and the Government's Housing White Paper. Having a thriving active housing market that offers choice, flexibility and affordable housing is critical to our economic and social well-being.
- 1.10 This proof of evidence comprises the following further eight sections:
  - Section 2 of the report establishes the importance of affordable housing as an important material planning consideration;
  - Section 3 considers the national housing crisis and the extent of the national shortfall in housing delivery;
  - Section 4 analyses the Development Plan and related policy framework including corporate documents;

- Section 5 considers the affordable housing needs and delivery in St Albans;
- Section 6 considers the affordable housing needs and delivery Welwyn Hatfield;
- Section 7 considers a range of affordability indicators;
- Section 8 considers the weight to be attached to the proposed affordable housing provision; and
- Section 9 draws together my summary and conclusions.

# Affordable Housing as an Important Material Consideration

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## Section 2

- 2.1 The provision of affordable housing is a key part of the planning system. A community's need for affordable housing was first enshrined as a material consideration in PPG3 in 1992 and has continued to play an important role in subsequent national planning policy, including the NPPF.
- 2.2 It has been reflected in a number of court cases including *Mitchell v Secretary of State for the Environment and Another*, Court of Appeal (1994); *ECC Construction Limited v Secretary for the Environment and Carrick District Council*, Queens Bench Division (1994); *R v Tower of Hamlets London Borough Council, ex parte Barratt Homes Ltd*, Queens Bench Division (2000).

### **National Planning Policy Framework (February 2019)**

- 2.3 The revised NPPF was last updated on 19 February 2019 and is a material planning consideration. It is important in setting out the role of affordable housing in the planning and decision-making process.
- 2.4 It sets a strong emphasis on the delivery of sustainable development. Fundamental to the social objective is to “*support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations*” (paragraph 8).
- 2.5 Chapter 5 of the revised NPPF focuses on delivering a sufficient supply of homes, in which paragraph 59 confirms the Government's objective of “*significantly boosting the supply of homes*”.
- 2.6 The revised NPPF is clear that local authorities should deliver a mix of housing sizes, types and tenures for different groups, which include “*those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes*” (paragraph 61).

- 2.7 It places a great responsibility on all major developments (involving the provision of housing) to provide an element of affordable housing. Paragraph 64 establishes that *“at least 10% of new homes on major residential developments be available for affordable home ownership”*.
- 2.8 Affordable housing is defined within the revised NPPF’s glossary as affordable housing for rent (in accordance with the Government’s rent policy for Social Rent or Affordable Rent or is at least 20% below local market rents), starter homes, discounted market sales housing (at least 20% below local market value) and other affordable routes to home ownership including shared ownership, relevant equity loans, other low-cost homes for sale (at least 20% below local market value) and rent to buy (which includes a period of intermediate rent).

### **Planning Practice Guidance (March 2014, Ongoing Updates)**

- 2.9 The PPG was first published online on 6 March 2014 and is subject to ongoing updates. It replaced the remainder of the planning guidance documents not already covered by the NPPF and provides further guidance on that document’s application.
- 2.10 **Appendix JS3** sets out the paragraphs of the PPG of particular relevance to affordable housing.

### **Summary**

- 2.11 This section clearly highlights that within national policy providing affordable housing has long been established as, and remains, a key national priority as part of the drive to address the national housing crisis.

# The National Housing Crisis and the Extent of the National Shortfall in Housing Delivery

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## Section 3

- 3.1 There is incontrovertible evidence that there is a national housing crisis in the UK affecting many millions of people, who are unable to access suitable accommodation to meet their housing needs. This section highlights some of this evidence and the Government's response to grappling with this issue.
- 3.2 At **Appendix JS4** is an ever-increasing wealth of evidence including from figures at the highest levels of Government that unaffordability and inability to get on the housing ladder is a significant problem.
- 3.3 What is also clear is that the messages from previous Governments have failed to ensure enough new homes, especially affordable homes, are being built.
- 3.4 The evidence is clear and demonstrates the pressing requirement to build more homes to meet the significant level of unmet need, particularly for homes that are affordable.
- 3.5 Evidence suggests that failure to do so will present a risk to the future economic and social stability of the United Kingdom.
- 3.6 It is widely accepted that 300,000 new homes are needed per annum and have been for quite some considerable time. The last time the country built more than 300,000 homes was in 1969. Since that time there is an accumulated shortfall of 5,542,181. This shortfall is set out in Figure 3.1 below.

Figure 3.1 National Housing Shortfall since 1970/71.



Source: Live Table 122

- 3.7 Whilst the housing crisis has been long in its gestation it was discussed in the House of Commons in October 2013, concerning the issue of planning and housing supply; despite the debate taking place over seven years ago the issues remain, and the commentary is sadly still highly pertinent to the issues surrounding affordable housing in St Albans and Welwyn Hatfield. The former Planning Minister, Nick Boles, provided a comprehensive and robust response to the diverse concerns raised, emphasising the pressing need for more housing, and in particular affordable housing across the country. He opened by stating:

*“I need not start by underlining the scale of the housing crisis faced by this country, the extent of the need for housing or the grief and hardship that the crisis is visiting on millions of our fellow citizens.”*

- 3.8 When asked to clarify the word “crisis” by the Member for Tewkesbury, Nick Boles commented that in the past year the percentage of first-time buyers in England who were able to buy a home without their parents’ help had fallen to the lowest level ever, under one third. He also commented that the first-time buyer age had crept up and up and was now nudging 40 in many parts of the country. He stated that the crisis “is intense within the south-east and the south, but there are also pockets in parts of Yorkshire”.

3.9 In response to questions, Nick Boles reaffirmed that:

*“Housing need is intense. I accept that my hon. Friend the Member for Tewkesbury (Mr Robertson) does not share my view, but many hon. Members do, and there are a lot of statistics to prove it”.*

3.10 He went on to say: “It is not unreasonable, however, for the Government to tell an authority, which is representing the people and has a duty to serve them, “Work out what’s needed, and make plans to provide it”. That is what we do with schools. We do not tell local authorities, “You can provide as many school places as you feel like”; we say, “Provide as many school places as are needed”. We do not tell the NHS, “Provide as many GPs as you feel you can afford right now”; we say, “Work out how many GPs are needed.” The same is true of housing sites: we tell local authorities, “Work out how many houses will be needed in your area over the next 15 years, and then make plans to provide them.”

3.11 Mr Boles’ full response highlighted the Government’s recognition of the depth of the housing crisis and continued commitment to addressing, in particular, affordable, housing needs. The final quote above also emphasised the importance of properly assessing and understanding the needs; and planning to provide for them. A copy of the transcript can be found as **Appendix JS5**.

#### **Building the Homes We Need (April 2014)**

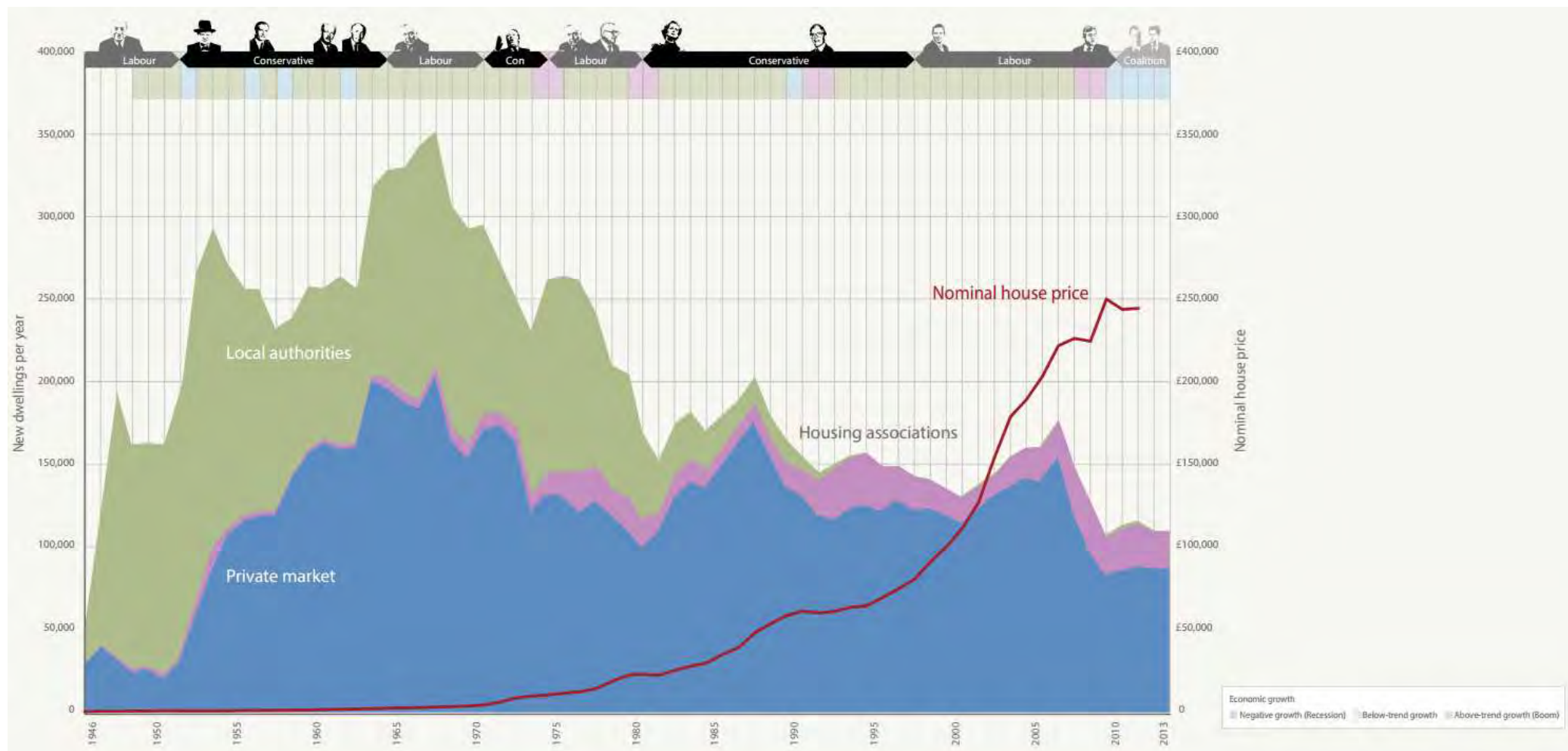
3.12 This report was the result of a year-long project by KPMG and Shelter to understand the housing shortage and was intended to provide advice to the incoming 2015 Government.

3.13 The report started by setting out that “everyone now accepts that we have a desperate housing shortage in England.” It further explained that “each year we build 100,000 fewer homes than we need, adding to a shortage that has been growing for decades. What’s more, our current house building system seems incapable of delivering growth on the scale required. Growing demand means that without a step change in supply we will be locked into a spiral of increasing house prices and rents – making the current housing crisis worse”.

- 3.14 The report highlighted that if we do not take firm action to build more homes there will be very worrying consequences for our economy and society; including rising homelessness, stalled social mobility, declining pension saving and an ever-rising benefit bill.
- 3.15 The report set out the graph illustrated in figure 3.2 showing the levels of house building in England since 1946.



Figure 3.2: House building since 1946



Source: *Building the Homes We Need*, Shelter and KPMG (2014)

3.16 Figure 3.2 shows four interrelated trends:

- An overall decline in house building since 1946, including a steep decline from 1980 and a marked further decline since 2007;
- Relatively high levels of social housing provision by local authorities up until the mid-1970s;
- The growing relative contribution to affordable housing provision by housing associations since the late 1980s; they are providing most of the new affordable housing stock but not matching anything like the previous local authority contribution; and
- The gradual increase in the nominal house price through until about 1985 then grows exponential over the subsequent 30 years. There appears to be a correlation with the decline in new housing provision, although there are clearly other interrelated factors.

3.17 The extent of the need for housing and the scale of the crisis as a result of the persistent under delivery of both market and affordable housing in the UK is explored further in **Appendix JS6**, starting almost 17 years ago with Kate Barker's Review of Housing Supply in March 2004.

3.18 Over the course of the past 17 years a series of industry leading professionals and figures at the highest level of Government have identified that there is a need for between 200,000 to 340,000 homes per annum to address the housing crisis that has engulfed the country.

3.19 The evidence within this appendix illustrates the level of house building in England between 1946 and 2017 and compares delivery over this period with the range of annual housing needs identified between 2004 and 2020, the most recent of which of course being the Government's own Ministry for Housing, Communities and Local Government (MHCLG) target for 300,000 new homes per annum.

3.20 The Government's current target of 300,000 new homes per annum is a figure that the country has not seen achieved since the mid to late 1960s. Whilst housing completions have been increasing since around 2011, they are still a long way short of meeting the level of housing delivery that is desperately needed to address the housing crisis in this country.

- 3.21 As made clear in Table 4.3 of the Appendix, the number net additional dwellings in England since 2004 (sourced from MHCLG Live Table 122) are compared with the annual need figures identified in the Barker Review (2004), the KPMG & Shelter research (2014), the HBF research (2014), the NHF research (2018), and the MHCLG Single Departmental Plan (2019).
- 3.22 The results are stark. The lowest of the annual need figures since 2004, that of the KPMG/Shelter report of 250,000 homes per annum, results in a shortfall of -1,105,490 homes in the past 17 years. To put this into context, this is equivalent to:
- 95% of the total number of households on local authority Housing Registers in the whole of England<sup>3</sup>; and
  - Over five times the total number of homes across the county of Hertfordshire<sup>4</sup>.
- 3.23 At the other end of the scale, the need for 340,000 homes per annum most recently identified in the NHF research results in a shortfall figure of -2,635,490 homes. This is equivalent to more than twice the total number of homes in the entire region.
- 3.24 The evidence demonstrates that in every scenario, against every annual need figure, the extent of the shortfall in housing delivery in England is staggering and merely serves to further compound the acute affordability problems that the country is facing. A shortfall of over 5.5 million homes is nothing short of a national scandal.
- 3.25 What is clear is that a significant boost in the delivery of housing, and in particular affordable housing, in England is absolutely essential to arrest the housing crisis and prevent further worsening of the situation.

<sup>3</sup> Source: MHCLG Live Table 600 – 1,159,833 households on Housing Registers in England at 1 April 2019

<sup>4</sup> Source: MHCLG Live Table 100 – 495,688 homes in Hertfordshire at 1 April 2019

# The Development Plan and Related Policies

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## Section 4

### Introduction

- 4.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2 Within the Welwyn Hatfield Borough Council administrative area, the development plan comprises the saved policies of the Welwyn Hatfield District Plan (2005).
- 4.3 Other material considerations include:
- the St Albans City and District Affordable Supplementary Planning Guidance (2004);
  - the Welwyn Hatfield Borough Council Planning Obligations Supplementary Planning Document (2012);
  - the NPPF (2019);
  - the PPG (on going updates);
  - the emerging St Albans City and District Local Plan 2020-2036;
  - the emerging Welwyn Hatfield Borough Council Local Plan 2013-2032; and
  - the emerging Colney Heath Neighbourhood Plan.

### St Albans District Local Plan Review (1994)

- 4.4 The St Albans District Local Plan review was adopted in November 1994, covering the period 1981 to 1996. In 2007, a Direction was made saving specified policies of the Plan. The saved policies are therefore the remaining operational policies within the District until replaced by the emerging Local Plan.
- 4.5 Policy 2 of the Plan is concerned with the settlement strategy for the District. The policy classifies Colney Heath (where the application site is located) as a green belt settlement (ref. GBS.4).

- 4.6 New housing development in green belt settlements is dealt with by Policy 6 and states that:

*'Within the Green Belt settlements listed in Policy 2, housing development will not normally be permitted unless the dwellings are permitted to meet the local needs of agriculture, forestry, leisure and local services which cannot practically be met in a location outside the green belt.'*

- 4.7 The policy goes on to highlight that *'affordable housing schemes in the green belt settlements will be assessed against Policy 8'*.

- 4.8 The Plan has two saved policies relating to affordable housing. The first is Policy 7a which is concerned with affordable housing in towns and specified settlements. The policy states that:

- 4.9 *'In the towns and specified settlements as defined in Policy 2, the Council will therefore normally seek to negotiate an element of affordable housing on sites over 0.4 hectares and on sites under this size where 15 or more dwellings are proposed.'*

- 4.10 The policy then goes on to set out a number of criteria planning applications will be assessed against. Given that the Colney Heath is not defined in Policy 2 as a town or specified settlement for development, but rather a green belt settlement, it is considered this policy is not applicable to the determination of this application.

- 4.11 The policy sets a target of 200 affordable dwellings per annum in its supporting text (paragraph 3.36) but the policy accepts that this represents a considerable under-estimation of the total need for affordable housing. Clearly given the length of time since this figure was formulated it can be given no weight now<sup>5</sup>.

- 4.12 The second affordable housing policy is Policy 8 which is concerned with affordable housing in the metropolitan Green Belt. The policy states that permission for affordable housing for local needs will only be granted where the criteria set out are met.

- 4.13 This policy operates much like a modern rural exceptions policy requiring all dwellings provided on site to be affordable and kept as such in perpetuity. It is considered that this policy also does not apply to the application site as the proposed development is not exclusively for affordable housing.

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<sup>5</sup> Though the Council is failing to meet even this number of affordable houses per annum, see section 5

- 4.14 It is therefore considered that the Plan is silent on affordable housing requirements for the application proposals as the proposed development is not solely affordable housing nor is it located in a specified town or settlement.

#### **Welwyn Hatfield District Plan (2005)**

- 4.15 The Welwyn Hatfield District Plan was adopted in 2005, covering the period 1991 to 2011. In April 2008, a Direction was made saving specified policies of the Plan. The saved policies are therefore the remaining operational policies within the District until replaced by the emerging Local Plan.
- 4.16 Chapter 9 of the plan is concerned with housing and notes in the introduction that *‘One of the main objectives of the District Plan is to provide a strategy for residential development to provide for the housing needs of the local community, including those in need of affordable and special needs housing.’*
- 4.17 Paragraph 9.5 sets out the Plans strategy and objectives for residential development. Objective ‘C’ is to *‘provide for housing for local people whether private, affordable or special needs housing and for all sectors of the community’*.
- 4.18 Policy H2 of the plan is concerned with the location of windfall residential development. The policy states that:
- 4.19 *‘The development of sites for over 10 units or 0.25 ha that are not listed in Policy H1 will not be permitted if they would result in a significant oversupply of housing in the district.’*
- 4.20 The policy then goes on to highlight a number of exceptions including if the development provides for local affordable housing needs or other clearly identified local housing needs.
- 4.21 Paragraph 9.37 goes on to note that the Council will expect a minimum of 30% of units on all eligible sites to be subsidised housing to meet local needs. This is a requirement on residential sites of 25 units or more, or on residential sites over 1ha in size.
- 4.22 The following paragraph continues that the *‘Council will expect the affordable housing to incorporate a range of housing types and unit sizes to meet local need. For each eligible site, the Council will define a preferred mix for the affordable housing element.’*
- 4.23 Policy H7 is specifically concerned with affordable housing stating that:
- Within the towns and specified settlements, the Council will expect all proposals for residential development on sites of 1ha or more, or with 25 units or more, to include*



*the provision of affordable housing to meet the needs of local people who cannot afford to occupy dwellings generally available on the open market. The Council will therefore seek through negotiation a proportion of affordable housing, which as a minimum should comprise 30% subsidised housing, on each suitable site. The proportion, type and mix of affordable housing will be based on information in the latest housing needs survey and the criteria in Section 10 of Circular 6/98.*

- 4.24 Whist the application site itself is not a within a town nor specified settlement and is therefore not technically beholden to Policy H7; the site would provide for local affordable housing needs and therefore complies with exceptions outlined in Policy H2 and consequently should meet the requirements set out in Policy H7.

Policy H8 of the Plan deals with dwelling type and tenure stating that:

- 4.25 *The Council will expect new residential developments to incorporate a range of dwelling types and sizes, where appropriate. The Council will expect a mix of dwelling types in developments to reflect the shortfall of flats, bedsits and one- and two-bedroom properties in the district. Dwellings of different tenure should be mixed on site to avoid the creation of large areas of housing with similar characteristics.*

### **Material Considerations**

#### **St Albans City and District Council Affordable Housing Supplementary Planning Guidance (2004)**

- 4.26 The Albans City and District Council Affordable Housing Supplementary Planning Guidance (SPG) was adopted by the council in March 2004. The SPG sets out the council's negotiation position for the element of affordable housing to be delivered on suitable development sites.
- 4.27 The SPG provides supplementary guidance on the Council's main policy on Affordable Housing, Policy 7A of the District Plan, which is set out in its Appendix B. The SPG notes at paragraph 1.10 the towns and specified settlements outlined in Policy 2 but also highlights that the SPG will '*also apply to open market housing developments that may be permitted in the Green Belt.*'
- 4.28 Chapter nine summarises the affordable housing requirements set out in the SPG and these are replicated below:

*'The site size thresholds above which the Council currently seeks an element of affordable housing are 25 dwellings or 1 hectare. The Council will work to any amended thresholds that may be set in revised Government guidance.*

*The percentage of affordable housing required will normally be 35%.*

*The council will negotiate a range of tenures for the affordable housing provision, but the majority of the provision is expected to be general needs rented (see section 5).*

*The Council prefers to see general needs rented housing delivered through an RSL.*

*The Council will seek the securing of the affordable housing for those in need “in perpetuity” i.e. for as long as there is a need for it in St Albans. This will be secured through a legal agreement attached to the planning permission or by planning conditions.*

*Developers are urged to contact the Planning Department prior to the submission of a planning application; the Planning Department will advise developers and refer them to the Housing Development Officer for discussion on sites where affordable housing is a requirement.*

*Affordable housing land should normally be transferred at nil cost to RSLs.’*

**Welwyn Hatfield Borough Council Planning Obligations Supplementary Planning Document (2012)**

- 4.29 The Welwyn Hatfield Borough Council Planning Obligations Supplementary Planning Document (SPD) was adopted by the council in February 2012. The SPD provides detailed guidance on the type and scale of planning obligations sought and sets out Welwyn Hatfield Borough Council’s approach to securing planning obligations.
- 4.30 Sub heading 3.1 is concerned with affordable housing and paragraph 3.5 highlights that Policy H7 of the Welwyn Hatfield District Plan seeks the provision of a minimum of 30% affordable housing on all eligible sites.
- 4.31 Paragraph 3.6 notes that the provision of affordable housing will normally be sought through a section 106 agreement, and the council will expect details of the affordable housing to be provided as part of the development to be submitted as part of the planning application.
- 4.32 Paragraph 3.7 asserts that the council's affordable housing policy applies on residential sites of 25 units or more, or on residential sites over 1 hectare. Whilst the following paragraph sets out that *‘Decisions about the type of affordable housing required, and the size and mix of tenures, should be informed by the latest housing needs surveys and assessments.’*



### **Emerging St Albans City and District Local Plan 2020-2036**

- 4.33 The emerging St Albans City and District Local Plan was submitted to the Secretary of State in March 2019. Stage 1 hearing sessions held between 21 and 23 January 2020 on legal compliance, the Duty to Cooperate, the spatial strategy and matters relating to the Green Belt.
- 4.34 On 27 January 2020 the inspectors wrote to the council to raise their serious concerns in terms of legal compliance and soundness and to cancel the subsequent hearing sessions arranged for February 2020. A second letter was sent on 14 April 2020 setting out these concerns in detail.
- 4.35 With regard to affordable housing provision, paragraph 91 of the letter states:

*‘Although we understand that the Council has commissioned an updated Strategic Housing Market Assessment this has not yet been published. As a result, there is no up to date understanding of how many homes are needed and of what type, including the different sizes and types of affordable housing that may be required. Additionally, the Council rely on the brownfield register for its 10% smaller sites, but this is also not published. This list is not exhaustive, but it gives a flavour of the extent of missing documents that are critical to the examination of the Plan.’ (my emphasis).*

- 4.36 Paragraph 93 concludes that:

*As set out in our letter of the 27 January 2020 and above, we will not reach an absolute or final position until you have had chance to consider and respond to this letter. However, in light of our serious concerns regarding the DtC, we consider it a very strong likelihood that there will be no other option other than that the Plan is withdrawn from examination or we write a final report recommending its non-adoption because of a failure to meet the DtC. (emphasis added).*

- 4.37 The council withdrew the Local Plan 2020-2036 Publication Draft 2018 in November 2020 and has commenced work on preparing a new draft Local Plan for the period 2020 – 2036 but is at very early stages of plan preparation.

### **Emerging Welwyn Hatfield Borough Council Local Plan 2013-2032**

- 4.38 The emerging Welwyn Hatfield Borough Council Local Plan was submitted to the Secretary of State in May 2017 and is currently under Examination.

- 4.39 Stage 9 hearing sessions commenced on 23 February 2021, which will consider the implications of the 2018 household projections, windfall, Green Belt and additional sites.
- 4.40 Emerging policy SP 7 is concerned with type and housing mix highlighting that as part of the overall housing target, a proportion of new homes built in the Borough will be for affordable housing.
- 4.41 The policy goes on to require affordable housing provision on sites above 11 new dwellings or sites above 0.5 ha or more. The on-site delivery target varies by location, requiring 35% affordable housing provision on sites located in excluded villages (such as the application site).
- 4.42 Additionally, the policy requires at least 20% of all new dwellings on sites involving 5 or more new dwellings will be required to meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' (or as subsequently amended), the delivery of which should be distributed across market and affordable tenures.
- 4.43 It is also important to highlight that the Inspector's Post-hearing Advice Note on the stage 6 hearing sessions (strategic matters) stated that:

*'I consider that the evidence set out in the Strategic Housing Market Assessment Update 2017 together with that in subsequent review that was undertaken in the context of the 20016-sub national population and household projections, justifies a Full Objectively Assessed Housing Need (FOAHN) of 800 dwellings per year for the duration of the plan period and that this requirement is consistent with national policy'.*

### **Emerging Colney Heath Neighbourhood Plan**

- 4.44 The Colney Heath Neighbourhood Plan area was designated on 27 February 2014 by the council's cabinet. There has been no progress since then and the neighbourhood planning process for the area appears to have stalled.

### **Summary**

- 4.45 This section clearly highlights that within adopted and emerging policy, providing all forms of housing including affordable housing has long been established as, and remains a key priority for the Councils to address the housing crisis. The housing crisis continues to be and is of increasing importance at a national level.

# Affordable Housing Needs and Delivery in St Albans

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## Section 5

- 5.1 This section of the statement reviews the most recently produced Strategic Housing Market Assessment (SHMA) for St Albans City and District to determine affordable housing needs. It then identifies past delivery and goes on to compare the identified affordable housing needs against the delivery performance of the Authority. Section 6 provides the same evidence for Welwyn Hatfield Borough.

### **Affordable Housing Needs Evidence Base for St Albans**

- 5.2 The South West Hertfordshire SHMA 2016 (**CD 9.02**) assesses the affordable housing need for the St Albans administrative area covering the period 2013 to 2036. However, the Local Plan Inspectors commenting in their letter dated 14 April 2020 stated that there was no up to date understanding of how many homes are needed and of what type, including the different sizes and types of affordable housing that may be required.
- 5.3 Subsequently, Dacorum, Hertsmere, St. Albans, Three Rivers and Watford councils have produced a more up-to-date assessment of housing need, in the form of the South West Herts Local Housing Need Assessment (September 2020) (LHNS), covering the period 2020 to 2036.

### South West Hertfordshire Strategic Housing Market Assessment (2016)

- 5.4 The SHMA was published in January 2016 and covers the period 2013 to 2036. The 2016 SHMA considers housing need over the period to inform strategic planning activities. This includes the need for different types of housing; and the housing needs of different groups within the population, such as older people and students.
- 5.5 The introduction to the 2016 SHMA highlights that:

*'The SHMA does not set housing targets. It provides an assessment of the need for housing, making no judgements regarding future policy decisions which the Councils may take. Housing targets will be set through local plans. The SHMA provides an important input into setting targets for housing provision, but plan-making will also take into account factors such as the supply of land for new development, Green Belt, local infrastructure capacity and environmental constraints.'* (emphasis added).

- 5.6 Table 39 of the SHMA sets out the annualised estimated affordable housing need for each authority and is replicated below at figure 5.1.

*Figure 5.1: Estimated level of Affordable Housing Need per annum – by location*

Area	Current need	Newly forming households	Existing households falling into need	Total need	Supply	Net need
Dacorum	30	609	308	947	581	366
Hertsmere	34	519	181	735	301	434
St Albans	33	663	161	858	241	617
Three Rivers	17	419	110	546	189	357
Watford	52	549	254	855	237	617
<b>South West Herts</b>	<b>167</b>	<b>2,760</b>	<b>1,014</b>	<b>3,941</b>	<b>1,550</b>	<b>2,391</b>

Source: 2016 SHMA -Table 39

- 5.7 Table 40 demonstrates estimated levels of affordable housing need at other variant income thresholds. The table finds that at a gross 25% income threshold (the recommended threshold in the 2007 SHMA guidance) the annual affordable housing need for St Albans increases to 764 affordable homes per annum over the period, an uplift of 24%.
- 5.8 The estimated level of affordable housing need per annum by type of affordable housing for each authority is set out in table 43. There is a net need for 102 intermediate affordable properties and 515 social/affordable rented properties per annum<sup>6</sup> in St Albans. This represents a tenure split of 17% intermediate properties and 83% social/ affordable rented properties per annum.
- 5.9 Figure 5.1 identifies the affordable housing need in St Albans to be **617 dwellings per annum over the period 2013 to 2036**. This calculation of need uses a 30% gross income threshold for households.

#### **South West Hertfordshire Local Housing Need Assessment (September 2020)**

- 5.10 The most recent assessment of affordable housing need in the Borough is provided by South West Hertfordshire Local Housing Needs Assessment (September 2020). This covers the period from 2020 to 2036. It is important to highlight this assessment of

<sup>6</sup> 102 + 515 = 617

need has not been tested at Examination in practice and should therefore be treated with caution.

- 5.11 The LHNA makes an analysis of the need for affordable housing, split between affordable housing to rent and affordable housing to buy. It assesses the current need and adds to it the need from newly-forming households and existing households falling into need, less the supply of affordable housing.
- 5.12 In respect of affordable housing to rent, the LHNA reveals that that 1,994 households will require affordable housing to rent per annum between 2020 and 2036 across the SHMA area. For St Albans this amounts to a need for 443 rented dwellings per annum.
- 5.13 Indeed, the LHNA makes the recommendation on page 112 that “*Such is the scale of affordable housing need that the local authorities should seek to deliver as much affordable housing to rent as viability allows.*”
- 5.14 The LHNA makes the same analysis for affordable rented accommodation, which it assesses as net need for 1,194 units of affordable home ownership per annum between 2020 and 2036. For St Albans this amounts to a need for 385 dwellings per annum over the period.
- 5.15 In total therefore, there is an objectively assessed need for **828 affordable dwellings per annum for the period 2020 to 2036 in St Albans.**
- 5.16 As can be seen from Figure 5.4 above, the Council has not even achieved this number of affordable dwellings over the whole of the period from 2013/14 to 2019/20, only delivering 244 units. It only achieved 16 affordable dwellings in the most recent year. Its average delivery over this period is just 35 dwellings.
- 5.17 It is clear there is no prospect that the Council will be able to achieve its objectively assessed needs for affordable housing unless there is a step change in delivery. This should include granting permission for up to 45 affordable dwellings on the appeal site.

#### **Past Affordable Housing Delivery in St Albans**

- 5.18 Figure 5.2 illustrates that since the start of the SHMA 2016 period in 2013, a total of 403 affordable homes have been completed in the St Albans administrative area. This is equivalent to just 57 affordable dwellings per annum, or 14% of overall completions.

Figure 5.2: Affordable housing delivery in St Albans since the start of the SHMA period in 2013

Year	Total Housing Completions (Net)	Affordable Housing Completions (Gross)	Affordable Housing delivery as a % of Total Completions
2013/14	375	-42	-11%
2014/15	313	70	22%
2015/16	396	97	24%
2016/17	340	59	17%
2017/18	385	106	28%
2018/19	624	82	13%
2019/20	437	31	7%
<b>Totals</b>	<b>2,870</b>	<b>403</b>	<b>14%</b>

Source: FOI response 26 February 2021

### Right to Buy Losses in St Albans

- 5.19 The net addition to affordable housing stock is directly affected by the loss of stock available, to help house those in housing need, by the sale of properties covered by the Government's Right to Buy scheme.
- 5.20 The national and regional sales arising from the Right to Buy scheme are set out in quarterly MHCLG Statistical releases. The most recent statistical release was published on 21 January 2021, covers the period July to September 2020. This is attached as **Appendix JS7**
- 5.21 The release provides a brief history of the Right to Buy Scheme and indicates, "*The Right to Buy scheme was introduced in 1980 and gives qualifying social tenants the opportunity to buy their rented home at a discount. The scheme is open to secure tenants of local authorities and non-charitable PRPs, and to those assured tenants of PRPs who have transferred with their homes from a local authority as part of a stock transfer. To qualify for the Right to Buy scheme, a social tenant must have accrued at least three years public sector tenancy. This does not need to be continuous, nor does it need to have been accrued whilst living in the tenant's current property.*"
- 5.22 Furthermore, the release at Figure 1 (replicated below) identifies the quarterly and annual number of Right to Buy sales since 2006/7. Whilst a total is not provided there have been 132,752 sales in 14.5 years. The annual average of sales is 9,261 homes over the 14 years between 2006/07 and 2019/20.



**Table 1: Quarterly Right to Buy sales, England 2006-07 to Q2 2020-21**

	Q1	Q2	Q3	Q4	Total
2006-07	4,655	4,538	4,470	4,021	17,684
2007-08	3,553	3,454	2,954	2,082	12,043
2008-09	1,286	851	455	277	2,869
2009-10	293	532	789	761	2,375
2010-11	657	689	714	698	2,758
2011-12	615	764	693	566	2,638
2012-13	442	1,041	2,011	2,450	5,944
2013-14	2,181	2,846	2,853	3,381	11,261
2014-15	2,849	2,847	3,288	3,321	12,304
2015-16	2,779	2,941	3,250	3,276	12,246
2016-17	3,417	3,256	3,469	3,301	13,444
2017-18 <sup>R</sup>	3,017	3,055	3,272	3,272	12,616
2018-19	2,607	2,575	2,887	2,842	10,910
2019-20 <sup>P</sup>	2,509	2,727	2,538	2,789	10,563
2020-21 <sup>P</sup>	1,549	1,548			3,097

Source: MHCLG Right to Buy Sales in England: July to September 2020

- 5.23 The impact of losses as a result of Right to Buy was acknowledged by the Inspector presiding over the appeal at land at the site of the former North Worcestershire Golf Club Ltd, Hanging Lane, Birmingham which was allowed in July 2019 (**CD11.07**). Paragraph 14.108 of the Inspector's Report sets out that:
- 5.24 *"Mr Stacey's unchallenged evidence shows that only 2,757 new affordable homes were provided in the City over the first 6 years of the plan period. This represents less than half of the target provision and a net increase of only 151 affordable homes if Right to Buy sales are taken into account. On either measure there has been a very low level of provision against a background of a pressing and growing need for new affordable homes in Birmingham"* (emphasis added).
- 5.25 This was later endorsed by the Secretary of State, who stated that the 800 family homes, including up to 280 affordable homes is a benefit of significant weight. Whilst the figures for Right to Buy sales or losses to the affordable housing stock are not known for Hinckley and Bosworth, the delivery of affordable will not be as high as that reported in Figure 6.1 above.
- 5.26 The seriousness of the impact was considered in a Newspaper article in the Independent newspaper in June 2020. The article is attached as **Appendix JS8**. The reporter considered how Council housing sell-off continues as government fails to replace most homes sold under Right to Buy.

- 5.27 It advised that, “*Two-thirds of the council homes sold off under Right to Buy are still not being replaced by new social housing despite a promise by the government, official figures show.*” It went on to say that “*Housing charities warned that enough “desperately needed” genuinely affordable housing is simply not being built, with an overall net loss of 17,000 homes this year from social stock. Since the policy was updated in 2012-13, 85,645 homes have been sold through the policy, but only 28,090 built to replace them, statistics from the Ministry of Housing, Communities and Local Government show*”.
- 5.28 The articles goes on to quote Jon Sparkes, chief executive at homelessness charity Crisis, who said: “*These statistics demonstrate just how serious the current housing crisis is. What few social homes that are available are largely being removed from the market as part of Right to Buy, and the supply is not being replenished in line with this. People in desperately vulnerable circumstances are being left with dwindling housing options as a consequence of our threadbare social housing provision. This is all the more worrying considering the rise we expect in people being pushed into homelessness as a result of the pandemic.*”
- 5.29 It is important therefore that gains and losses to affordable housing stock through the Right to Buy are taken into account, to reflect the actual level of affordable houses available.



*Figure 5.3: Affordable housing delivery in St Albans since the start of the SHMA period in 2013, net of Right to Buy losses*

Year	Total Housing Completions (Net)	Affordable Housing Completions (Gross)	Right to Buy Losses	Affordable Housing Completions (Net of RTB)	Affordable Housing delivery as a % of Total Completions
2013/14	375	-42	-37	-79	-21%
2014/15	313	70	-27	43	14%
2015/16	396	97	-24	73	18%
2016/17	340	59	-24	35	10%
2017/18	385	106	-20	86	22%
2018/19	624	82	-12	70	11%
2019/20	437	31	-15	16	4%
<b>Totals</b>	<b>2,870</b>	<b>403</b>	<b>-159</b>	<b>244</b>	<b>9%</b>

Source: FOI response 26 February 2021

- 5.30 When Right to Buy losses are taken into account, it is clear that only 9% of overall completions are affordable houses against a requirement of 30%.

### **Affordable Housing Needs and Delivery in St Albans**

- 5.31 Figure 5.4 illustrates affordable housing delivery compared to objectively assessed housing needs since the beginning of the 2016 SHMA period in 2013/14.
- 5.32 When the 2016 SHMAs target of 617 net affordable homes per annum is considered against net annual completions, there has been a chronic shortfall in delivery of some 4,075 affordable homes, representing a staggering -94% shortfall in affordable housing delivery.

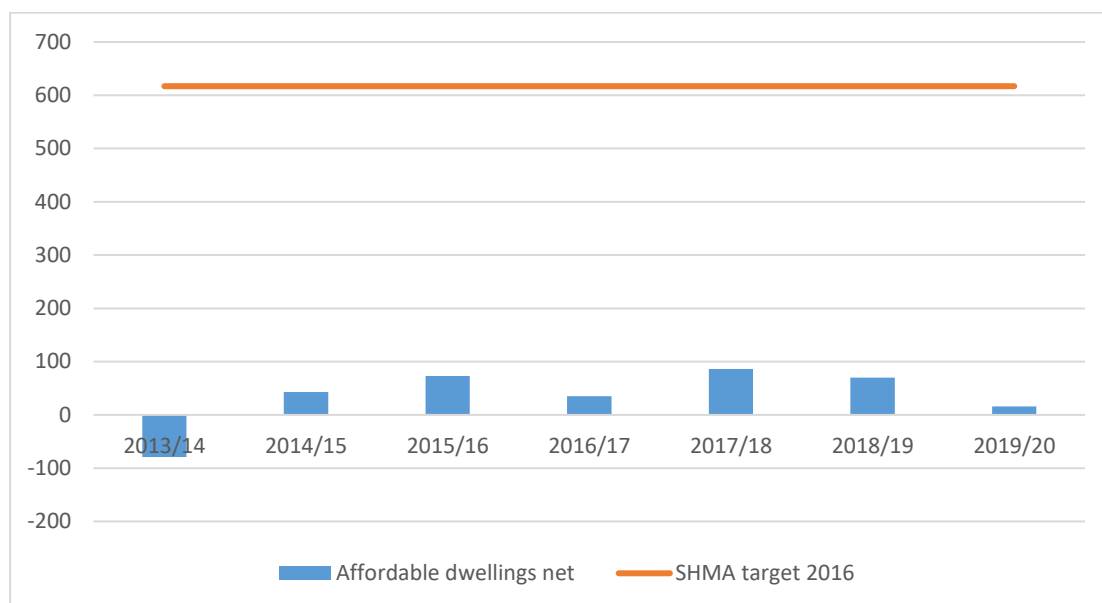
*Figure 5.4: Affordable housing delivery in St Albans compared identified needs in the 2016 SHMA*

Year	Affordable Housing Completions (Net)	2016 SHMA Net Annual Need	Shortfall in Affordable Housing Delivery	Shortfall Delivery as a % of Assessed Need
2013/14	-79	617	-696	-113%
2014/15	43	617	-574	-93%
2015/16	73	617	-544	-88%
2016/17	35	617	-582	-94%
2017/18	86	617	-531	-86%
2018/19	70	617	-547	-89%
2019/20	16	617	-601	-97%
<b>Totals</b>	<b>244</b>	<b>4,319</b>	<b>4,075</b>	<b>-94%</b>

Source: FOI response 26 February 2021

- 5.33 Furthermore, Figure 5.4 shows that St Albans City and District Council has been nowhere near meeting the 2016 SHMA affordable housing target of 617 net affordable homes per annum. The Council lost more homes that they delivered in 2013/14.
- 5.34 Figure 5.4 shows that there is a clear and pressing need to increase the delivery of affordable housing in the District to address identified needs and an increasing backlog.
- 5.35 Figure 5.5 provides further illustration of the District's poor record of affordable housing delivery compared to identified affordable housing needs.

**Figure 5.5 - Affordable housing delivery in St Albans compared SHMA (2016) 2013/14 – 2019/20**



Source: FOI response 26 February 2021

### Future Delivery of Affordable Housing in St Albans

- 5.36 The future delivery of affordable housing is highly uncertain. Past delivery has fluctuated considerably and the delivery of a high number of affordable homes one year does not guarantee this will continue for future years. The supply of affordable housing is affected by local market factors, including the numbers of sites with planning permission and also wider national factors including availability of public funding.
- 5.37 The Council produced its latest five-year housing land supply (5YHLS) statement at 1<sup>st</sup> April 2020 covering the period 1<sup>st</sup> April 2020/21 to 31<sup>st</sup> March 2025 (**CD8.02**).
- 5.38 If we were generously to assume that all 2,612 dwellings included in the 5YHLS will come forward on sites eligible for affordable housing; and that all of these sites would provide policy compliant levels of affordable housing (i.e., 30%) as a proportion of overall housing completions this is likely deliver only 783 affordable dwellings over the period, equating to just 156 new affordable dwellings per annum. This is significantly below the number of objectively assessed as necessary in both the SHMA and the LHNA.
- 5.39 Mr Pycroft's evidence in respect of housing land supply finds that there is actually a 5YHLS of around 1,746 dwellings, and based on a policy-compliant level of affordable housing (30% this would equate to just 534 per annum or 105 per annum, even further below the SHMA and LHNA.

5.40 Although the SHMA seeks to deal with the backlog over the period 2013 to 2036, I consider that any shortfall in delivery should be dealt with within the next five years in accordance with the ‘Sedgefield’ approach. This is also the approach set out within the PPG (**Appendix JS3**).

5.41 This approach also agreed by the Inspector determining the appeal at Aviation Lane, Burton-on-Trent, which was allowed for 128 affordable dwellings. A copy of the decision is at **Appendix JS9**. The Inspector made clear (paragraph 8) that:

*“In my view, the extent of the shortfall and the number of households on the Council’s Housing Register combine to demonstrate a significant pressing need for affordable housing now. As such, I consider that the aim should be to meet the shortfall as soon as possible.”* (my emphasis).

5.42 Figure 5.6 provides an illustration of the annual affordable housing need when the Sedgefield approach is applied, addressing backlog needs within the next five years.

*Figure 5.6: Affordable housing need over the next 5 years including the backlog*

<b>A</b>	Net affordable housing need identified in the 2016 SHMA (per annum) for 2013/4 – 2019/2020	<b>617</b>
<b>B</b>	Net affordable housing need for the period 2013/4 – 2019/20 (A x 5)	<b>3,085</b>
<b>C</b>	Net affordable housing completions for the period 2015/16 – 2019/20	<b>244</b>
<b>D</b>	Shortfall/backlog of affordable housing against need for the period 2013/14 – 2019/20 (B – C)	<b>2,841</b>
<b>E</b>	Backlog affordable housing need required to be addressed over the 5-year period 2020/21 – 2024/25 (D / 5) (per annum)	<b>568</b>
<b>F</b>	Full affordable housing need required over the period 2020/2021 – 2024/25 (E + A) (per annum)	<b>1,185</b>

5.43 The scale of the affordability problem that the Borough is facing is evident when it is considered that were backlog needs to be addressed within the next five years using the Sedgefield approach, there is a net need for 1,185 affordable homes per annum, yet this is an Authority that has only achieved an average delivery rate of 35 net affordable homes per annum over the past five years.

### Summary

5.44 St Albans City and District’s Council’s performance in delivering affordable housing is failing to meet the needs of its residents.

- 5.45 In the period since 2012/13 a total of 244 net affordable homes have been delivered at an average rate of just 35 net per annum. When compared with the objectively assessed need for at least 617 per annum over the same period, this has resulted in a shortfall in delivery of some -4,075 affordable homes compared with identified needs over the same period.
- 5.46 The level of need is significant when assessed against the recent Local Housing Needs Assessment (September 2020) which identifies a requirement for 828 dwellings per annum for the period 2020 to 2036. Compared with the average delivery of 35 dwellings per annum, it is clear that the Council is failing its residents in the provision of affordable housing.
- 5.47 When backlog needs to be addressed within the next five years using the Sedgefield approach, there is a net need for 1,185 affordable homes per annum
- 5.48 In light of the District's poor record of affordable housing delivery, and the on-going level of affordable housing needs identified there can be no doubt in my mind that the provision of up to 45 affordable dwellings on this site should be afforded **very substantial weight** in the determination of this appeal.

# Affordable Housing Needs and Delivery in Welwyn Hatfield

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## Section 6

- 6.1 This section reviews the most recently produced Strategic Housing Market Assessment (SHMA) for Welwyn Hatfield to determine affordable housing needs. It then identifies past delivery and goes on to compare the identified affordable housing needs against the delivery performance of the Authority.

### **Affordable Housing Needs Evidence Base for Welwyn Hatfield**

- 6.2 Within the Welwyn Hatfield Borough Council administrative area, the most recently produced SHMA is the Welwyn Hatfield SHMA Update (2017). It is important to highlight this assessment of need has not been tested at Examination in practice and should therefore be treated with caution.

### **Welwyn Hatfield Strategic Housing Market Assessment Update (2017)**

- 6.3 The SHMA Update was published in May 2017 and covers the period 2015 to 2032. The 2017 Update SHMA comprises the third update to original SHMA for Welwyn Hatfield produced in 2014. Each previous update considered newly released datasets and evidence influencing the OAN.
- 6.4 The 2017 update takes account of latest available datasets and guidance for assessing housing need in Welwyn Hatfield, as published in April 2017. The report also takes consideration of responses received during consultation on the pre-submission version of the Draft Local Plan where these related to the evidence base on housing needs.
- 6.5 Paragraph 20 of the SHMA Update states that:

*'Although this update has not reviewed the calculation of affordable housing needs in full, a discrete update has been applied to reflect the increased number of newly forming households anticipated under the updated demographic projection. This suggests that 818 affordable homes per annum will be needed in Welwyn Hatfield over the next five years, with 602 affordable homes needed annually thereafter.' (emphasis added).*

6.6 The paragraph continues that:

*'It is clear that meeting this need in full would require an overall level of housing provision far in excess of that needed to accommodate demographic growth in the population, support likely employment growth and respond to worsening market signals. The evidence of need in both these regards does not support a further quantifiable uplifting of the OAN in response to elevating levels of affordable housing provision.'*

6.7 The paragraph concludes that:

*'It is considered that the successful affordable housing policies could, however, result in circa 160 affordable homes being delivered annually through provision of 793 dwellings per annum. This would significantly boost the recent level of affordable housing delivery and uplift the long-term average rate of delivery, responding to this evidenced high need.'* (emphasis added).

6.8 Given that 160 affordable homes per annum is a policy on calculation based on a Plan that has not been adopted using an evidence base that has not been tested, this Proof of Evidence does not seek to rely on this figure.

6.9 Instead, it is considered that the affordable housing need for Welwyn Hatfield is **818 affordable homes per annum between 2015 and 2020**, with 602 affordable homes needed annually thereafter until 2032 to deal with the backlog over the first five years.

#### **Past Affordable Housing Delivery in Welwyn Hatfield**

6.10 Figure 6.1 illustrates that since the start of the 2017 SHMA Update period in 2015, a total of 396 gross affordable homes have been completed in the Welwyn Hatfield administrative area. This is equivalent to just 79 affordable homes per annum.

*Figure 6.1: Affordable housing delivery in Welwyn Hatfield since the start of the 2017 SHMA update period in 2015*

Year	Total Housing Completions (Net)	Affordable Housing Completions (Gross)	Affordable Housing delivery as a% of Total Completions
2015/16	408	116	28%
2016/17	509	93	18%
2017/18	315	44	14%
2018/19	462	74	16%
2019/20	673	69	10%
<b>Totals</b>	<b>2,367</b>	<b>396</b>	<b>17%</b>

Source: FOI response 2 July 2020, 26 February 2021 and 2017 SHMA Update

### Right to Buy in Welwyn Hatfield

- 6.11 As already identified in Section 5, it is important that gains and losses through the Right to Buy are taken into account, to reflect the actual level of affordable houses available.
- 6.12 Figure 6.2 illustrates that since the start of the 2017 SHMA Update period in 2015, a total of 113 net affordable homes have been completed in the Welwyn Hatfield administrative area. This is equivalent to just 57 affordable homes per annum.

*Figure 6.2: Net affordable housing delivery in Welwyn Hatfield since the start of the 2017 SHMA Update period in 2015/16*

Year	Affordable Housing Completions (Gross)	Right to buy Sales	Affordable Housing Completions (Net)	Net Affordable Housing delivery as a % of Total Completions
2015/16	116	67	49	12%
2016/17	93	77	16	3%
2017/18	44	49	-5	-2%
2018/19	74	40	34	7%
2019/20	69	50	19	3%
<b>Totals</b>	<b>396</b>	<b>283</b>	<b>113</b>	<b>5%</b>

Source: FOI response 2 July 2020, 26 February 2021 and 2017 SHMA Update

- 6.13 As with St Albans, it is clear that Welwyn Hatfield Council is failing dismally to provide affordable housing. Just 5% of overall completions were affordable in the previous 5



years and in 2019/20 just 3%. This is considerably below the 30% in the Local Plan and 35% in the SPD.

### Affordable Housing Needs and Delivery in Welwyn Hatfield

- 6.14 Figure 6.3 illustrates affordable housing delivery compared to objectively assessed housing needs since the beginning of the 2017 SHMA Update period in 2015. When the SHMA Updates target of 818 net affordable homes per annum is considered against annual completions, there has been a chronic shortfall in delivery of some 3,977 affordable homes, representing a staggering 97% shortfall in affordable housing delivery.

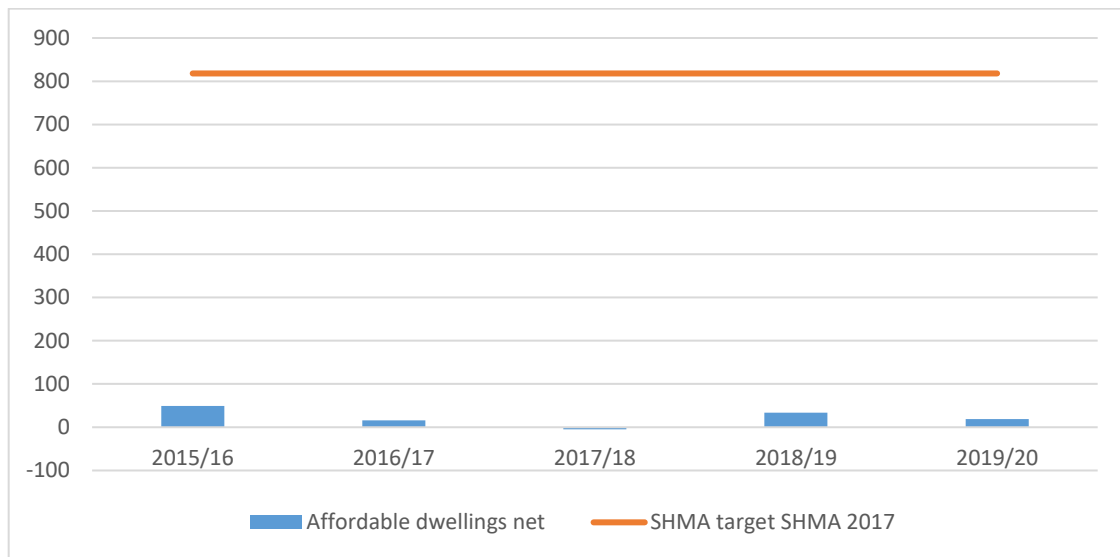
*Figure 6.3: Net affordable housing delivery in Welwyn Hatfield compared identified needs in the 2017 SHMA Update*

Year	Affordable Housing Completions (Net)	2017 SHMA Update Net Annual Need	Shortfall in Affordable Housing Delivery	Shortfall Delivery as a % of Assessed Need
2015/16	49	818	-769	-94%
2016/17	16	818	-802	-98%
2017/18	-5	818	-823	-101%
2018/19	34	818	-784	-96%
2019/20	19	818	-799	-98%
<b>Totals</b>	<b>113</b>	<b>4,090</b>	<b>-3,977</b>	<b>-97%</b>

*Source: FOI response 2 July 2020, 26 February 2021 and 2017 SHMA Update*

- 6.15 As with St Albans, figure 6.4 shows that not once has Welwyn Hatfield Borough Council met anywhere the 2017 SHMA Update affordable housing target of 818 net affordable homes.
- 6.16 Even more concerning is the fact that in 2017/18 the council actually lost more homes than it delivered. The average delivery has been just 23 net affordable homes per annum compared to a net need of 818. It is clear this council is failing to delivery sufficient affordable homes.
- 6.17 Table 6.4 demonstrates that there is a clear and pressing need to increase the delivery of affordable housing in the Borough to address identified needs and an increasing backlog.

*Figure 6.4: Net affordable housing delivery in Welwyn Hatfield since the start of the 2017 SHMA Update period in 2015/16*



Source: FOI response 2 July 2020, 26 February 2021 and 2017 SHMA Update

- 6.18 Even though this Proof of Evidence does not seek to rely upon the policy on figure of 160 net affordable homes per annum in the 2017 SHMA Update; figure 6.5 below demonstrates that even against this significantly lower need figure the picture remains the same.
- 6.19 Not once since the start of the SHMA period has the Council even met a third of this policy constrained affordable housing need figure.

*Figure 6.5: Net affordable housing delivery compared to identified needs in the Local Plan*

Year	Affordable Housing Completions (Net)	2017 SHMA Update Net Annual Need	Shortfall in Affordable Housing Delivery	Shortfall Delivery as a % of Assessed Need
2015/16	49	160	-111	-69%
2016/17	16	160	-144	-90%
2017/18	-5	160	-165	-103%
2018/19	34	160	-126	-79%
2019/20	19	160	-141	-88%
<b>Totals</b>	<b>113</b>	<b>800</b>	<b>-687</b>	<b>-86%</b>

Source: FOI response 2 July 2020, 26 February 2021 and 2017 SHMA Update

- 6.20 Not once since the start of the SHMA period has the Council even met a third of this policy-constrained affordable housing need figure. Evidently the council is actively failing some of its most vulnerable residents. The shortfall over just this five year period is six times the number of affordable houses completed.

#### **Future Affordable Housing Delivery in Welwyn Hatfield**

- 6.21 The future delivery of affordable housing is highly uncertain. Past delivery has fluctuated considerably and the delivery of a high number of affordable homes one year does not guarantee this will continue for future years. The supply of affordable housing is affected by local market factors, including the numbers of sites with planning permission and also wider national factors including availability of public funding.
- 6.22 The Council produced its latest five-year housing land supply (5YHLS) statement in September 2020 covering the period 2020/21 to 31<sup>st</sup> March 2025 (**CD8.01**).
- 6.23 If we were generously to assume that all 2,706 dwellings included in the 5YHLS will come forward on sites eligible for affordable housing; and that all of these sites would provide policy compliant levels of affordable housing (i.e., 35%) as a proportion of overall housing completions this is likely deliver only 947 affordable dwellings over the period, equating to just 195 new affordable dwellings per annum. This is significantly below the number of objectively assessed as necessary in the SHMA.
- 6.24 Mr Pycroft's evidence in respect of housing land supply in Welwyn is that there is actually a 5YHLS of around 1,947 dwellings and based on a policy-compliant level of

affordable housing (35%) this would equate to just 681 per annum or 136 per annum, even further below the SHMA level.

- 6.25 Although the SHMA 2017 Update seeks to deal with the backlog over the period that it assesses, I consider that any shortfall in delivery should be dealt with within the next five years in accordance with the ‘Sedgefield’ approach. This is also the approach set out within the PPG (**Appendix JS3**).
- 6.26 Figure 6.6 provides an illustration of the annual affordable housing need when the Sedgefield approach is applied, addressing backlog needs within the next five years.

*Figure 6.6: Affordable housing need over the next 5 years including the backlog*

<b>A1</b>	Net affordable housing need identified in the 2017 SHMA (per annum) for 2015/16 – 2019/2020	<b>818</b>
<b>A2</b>	Net affordable housing need identified in the 2017 SHMA (per annum) for 2020/2021 – 2032/2033	<b>602</b>
<b>B</b>	Net affordable housing need for the period 2015/16 – 2019/20 ( <b>A1</b> x 5)	<b>4,090</b>
<b>C</b>	Net affordable housing completions for the period 2015/16 – 2019/20	<b>113</b>
<b>D</b>	Shortfall/backlog of affordable housing against need for the period 2015/16 – 2019/20 ( <b>B</b> – <b>C</b> )	<b>3,977</b>
<b>E</b>	Backlog affordable housing need required to be addressed over the 5-year period 2020/21 – 2024/25 ( <b>D</b> / 5) (per annum)	<b>795</b>
<b>F</b>	Full affordable housing need required over the period 2020/2021 – 2024/25 ( <b>E</b> + <b>A2</b> ) (per annum)	<b>1,397</b>

- 6.27 The scale of the affordability problem that the Borough is facing is evident when it is considered that were backlog needs to be addressed within the next five years using the Sedgefield approach, there is a net need for 1,397 affordable homes per annum, yet this is an Authority that has only achieved an average delivery rate of 23 net affordable homes per annum over the past five years.
- 6.28 In light of the Borough’s poor record of affordable housing delivery, there can be no doubt in my mind that without a significant step change in the delivery of affordable housing, the situation for those in affordable housing need in Welwyn Hatfield will only worsen.
- 6.29 Such a step change can only be achieved by delivering more housing sites with levels of affordable housing in excess of the policy requirement, in sustainable locations such as the appeal site.

### **Conclusions on Affordable Housing Needs and Past Delivery**

- 6.30 Within Welwyn Hatfield Borough, in the five-year period since the start of the 2017 SHMA Update period in 2015/16 net affordable housing delivery represented just 5% of overall housing delivery. This is equivalent to just 23 affordable homes per annum.
- 6.31 Once again when comparative analysis is undertaken with net affordable housing delivery since the base date of the 2017 SHMA Update and the full affordable housing needs identified by the SHMA, a shortfall of -4,090 net affordable homes has accumulated in just five years.
- 6.32 The picture is just as bleak when comparison is made to the 2017 SHMA Update 'policy-on' figure of 160 affordable dwellings per annum over the period. In the five-year period since 2015/16 the council has over seen a shortfall of -687 affordable dwellings.

# Affordability Indicators

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## Section 7

### **Market Signals**

- 7.1 The PPG recognises the importance of giving due consideration to market signals as part of understanding affordability in the context of Plan making.
- 7.2 This Section sets out a range of affordability indicators for St Albans City and District followed by the same indicators for Welwyn Hatfield Borough.

### **Affordability Indicators for St Albans**

#### Housing Register

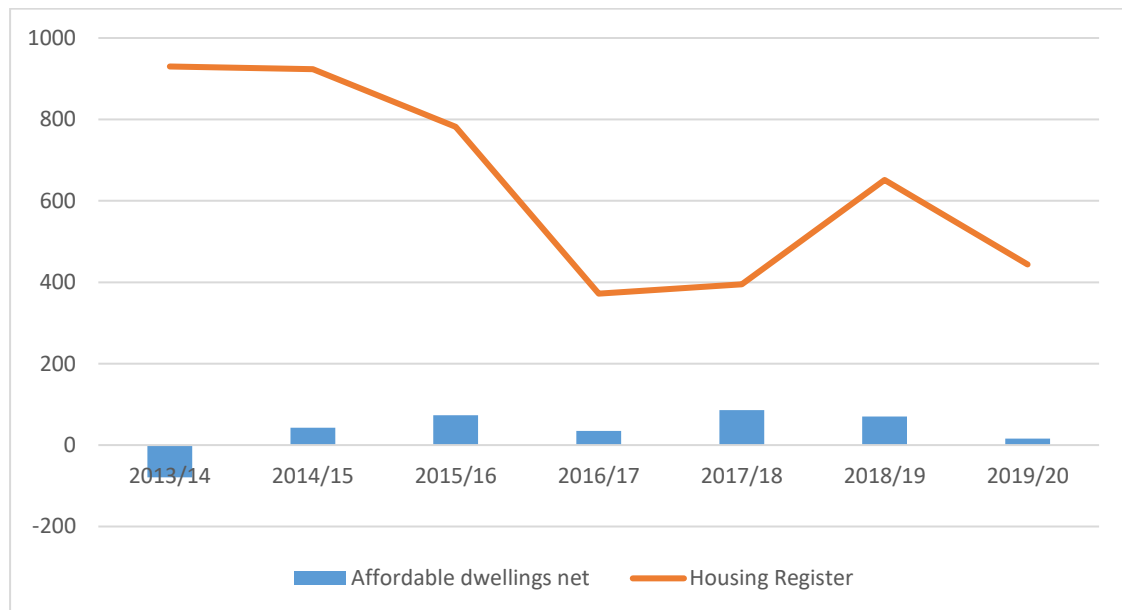
- 7.3 At 25 February 2021 there were a total of 534 households on the Council's Housing Register are live<sup>7</sup>. There are 219 live households who have expressed a preference to live in Colney Heath ward.
- 7.4 Figure 7.1 below provides a comparative analysis of the number of households on the Register and net affordable housing delivery over the period since 2013/14<sup>8</sup> in the District.
- 7.5 This demonstrates that affordable housing delivery has persistently fallen substantially short of meeting identified housing needs.

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<sup>7</sup> FOI response 26 February 2021

<sup>8</sup> The base date of the SHMA 2016

**Figure 7.1: Comparative Analysis of the Housing Register and Affordable Housing Delivery**



Source: FOI 26<sup>th</sup> February 2021, MHCLG Live Table 600

- 7.6 The number of households on the Register fluctuates over time. As a result of changes introduced by the Localism Act 2011, Local Housing Authorities have been able to set their own Housing Register criteria from June 2012. For many authorities this has meant excluding applicants already on the list who no longer meet their new narrower criteria but who were still in need of affordable housing.
- 7.7 Following the freedoms introduced by the Localism Act, St Albans have published new Housing Allocations Policies in May and November 2012, September and December 2015, August 2018 and February 2021(**Appendix JS10**).
- 7.8 The August 2018 version of the Allocation Policy changed its previous policy (July 2015) so that applicants with a housing need that can demonstrate a local connection through close family living in St Albans would only “*be considered eligible under special circumstances only*”. Previously there was no such restriction.
- 7.9 Very recently, the February 2021 version removed the ability for people to be eligible based on permanent employment in the St Albans District. This had previously allowed eligibility to be established for those people employed for 16 hours or more a week for a minimum of 12 months immediately prior to applying for housing. Now there is no way to establish eligibility by means of an employment connection. Each time the policies have revised, they have reduced the number of people who can join the Register.

- 7.10 This is a problem nationally. On 11 March 2016 *Inside Housing* reported that 159 English Councils have struck 237,793 people off their waiting lists and barred a further 42,994 new applicants since the Localism Act came into effect in June 2012. The Head of Policy at the Chartered Institute of Housing commented that the requirements “*generally aren’t good practice*” as they can be “*discriminatory depending on how long they’re applied*”. A copy of the Article is available at **Appendix JS11**.
- 7.11 Such an approach does not reduce the need for affordable housing but instead makes it even harder for those unable to access open market housing to find a suitable place to live, with even more at risk of homelessness.
- 7.12 The research suggests a surge in people removed or barred from waiting lists, which is much higher than the 113,000 found by *Inside Housing* in April 2014. The article acknowledges however that there have been 775 occasions since 2012 where a decision to remove an applicant from the waiting list or refuse access has been reversed after it was contested.
- 7.13 This was also recognised in the House of Commons Briefing Paper: Allocating Social Housing (June 2017) which analysed the impact of new allocations policies. It highlighted that “*there has been a reduction in the numbers of applicants registering on local authority housing waiting lists following the introduction of revised housing allocation schemes under the Localism Act 2011*”.
- 7.14 The Briefing Paper found that the reasons for these reductions were that “*...English local authorities had used powers to limit access to social housing by amending their allocation policies...*” and “*...the requirements generally aren’t good practice*” as they can be “*discriminatory depending on how long they’re applied*”.
- 7.15 Indeed, there have been several legal challenges to local authority allocation schemes since the 2011 Act came into force and Councils were “*...reportedly reviewing their allocation policies...*” following a High Court judgement which held that a council’s allocation policy indirectly discriminated against women and disabled and older people.
- 7.16 Such an approach does not reduce the need for affordable housing but instead makes it even harder for those unable to access open market housing to find a suitable place to live, with even more at risk of homelessness.
- 7.17 The ability of Local Authorities to set their own qualification criteria in relation to Housing Registers was recognised by the Planning Inspector presiding over an appeal at Oving Road, Chichester (**CD10.15**). In assessing the need for affordable housing in the District, and in determining the weight to be attached to the provision of affordable



housing for the scheme which sought to provide 100 dwellings; the Inspector acknowledged that:

*“The provision of 30% policy compliant affordable houses carries weight where the Council acknowledges that affordable housing delivery has fallen short of meeting the total assessed affordable housing need, notwithstanding a recent increase in delivery. With some 1,910 households on the Housing Register in need of affordable housing, in spite of stricter eligibility criteria being introduced in 2013 there is a considerable degree of unmet need for affordable housing in the District. Consequently, I attach substantial weight to this element of the proposal” (my emphasis).*

- 7.18 It is important to note that the Housing Register is only part of the equation relating to housing need. The housing register does not constitute the full definition of affordable housing need as set out in the NPPF – Annex 2 definitions i.e. affordable rented, starter homes, discounted market sales housing and other affordable routes to home ownership including shared ownership, relevant equity loans, other low cost homes for sale and rent to buy, provided to eligible households whose needs are not met by the market.
  
- 7.19 There is no “Housing Register” for households who do not meet the council’s qualification criteria for social or affordable rented dwellings but still need assistance with their accommodation because they cannot afford a property on the open market. Intermediate housing is an important part of the affordable housing needs of the Borough, however there is no Housing Register for those needing an intermediate or shared ownership dwelling.
  
- 7.20 In short there remains a large group of households who fall within the gap of not being eligible to enter the housing register but who also cannot afford a market property and as such are in need of affordable housing. It is those in this widening affordability gap who, I suggest, are those who the Government intends to assist by increasing the range of affordable housing types in the new NPPF.
  
- 7.21 The Franklands Drive Secretary of State appeal decision in 2006 (**CD11.08**) underlines how the Housing Register is a limited source for identifying the full current need for affordable housing. At paragraph 7.13 the Inspector drew an important distinction between the narrow statutory duty of the Housing Department in meeting priority housing need under the Housing Act, and the wider ambit of the planning system to meet the much broader need for affordable housing.

- 7.22 As such the number of households on the Housing register will only be an indication of those in priority need and whom the Housing Department have a duty to house. But it misses thousands of households who are in need of affordable housing, a large proportion of whom will either be living in overcrowded conditions with other households or turning to the private rented sector and paying unaffordable rents.

#### Temporary Accommodation

- 7.23 The extent of the affordable housing crisis within St Albans is such that at 1 April 2020 there were 129 households being housed in temporary accommodation within the Borough and a further 2 households being housed in temporary accommodation outside of the District (**Appendix JS1**).

#### Average Affordability Ratio

- 7.24 The National Housing Federation (NHF) Home Truths East of England report shows that in the period between 2013/14<sup>9</sup> and 2018/19<sup>10</sup> the average house price to average income ratio within the District increased from 10.5 to 14 which represents a 33% change. Copies of the 2014/15 and 2019/20 reports are available at **Appendix JS12** and **Appendix JS13**.

#### Lower Quartile Affordability Ratio

- 7.25 For those seeking a lower quartile priced property (typically considered to be the 'more affordable' segment of the housing market), the situation is even worse. The lower quartile house price to incomes ratio in St Albans has increased by 24% from 13.23 in 2013/14<sup>11</sup> to 16.92 in 2019/20 as illustrated by figure 7.2 below.

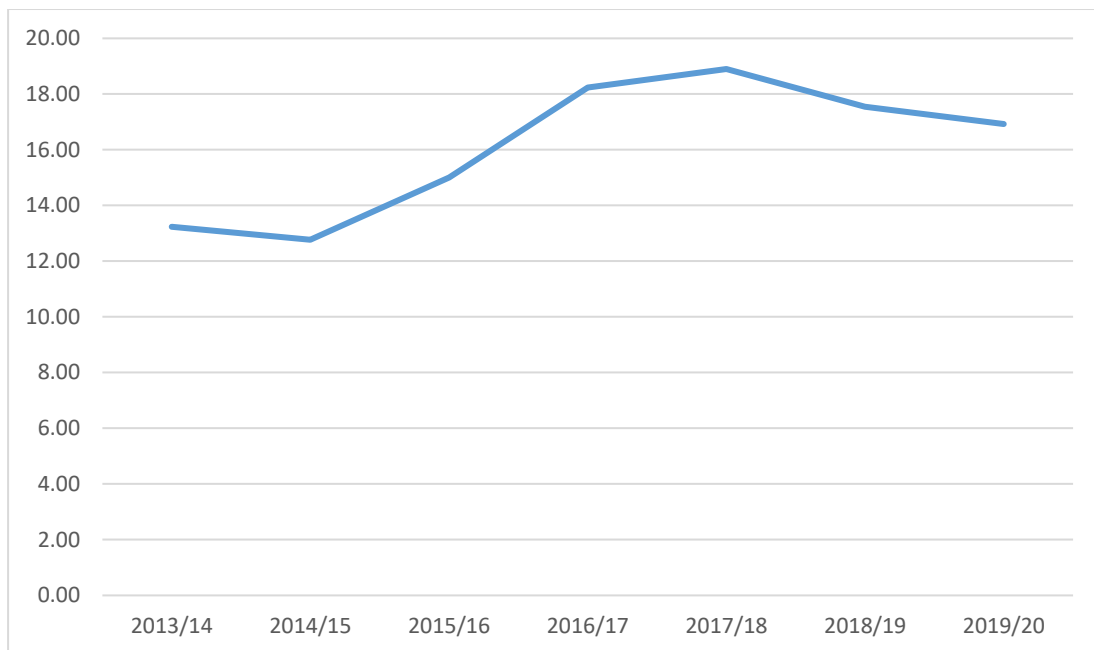
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<sup>9</sup> In the 214/15 report

<sup>10</sup> In the 2019/20 Report

<sup>11</sup> The base date of the SHMA

**Figure 7.2: Lower Quartile House Price to Income Ratio**

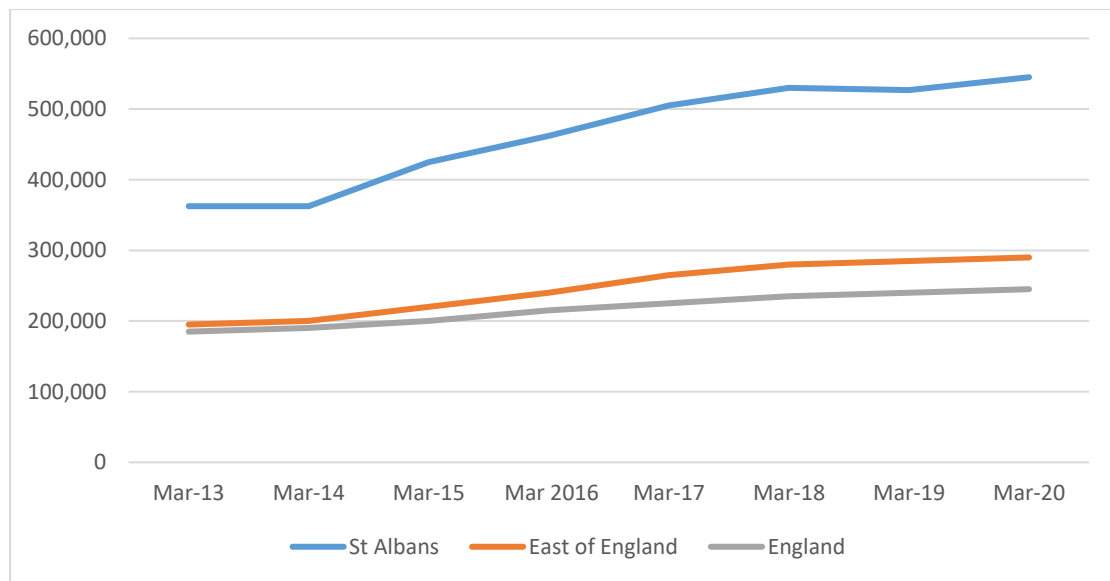


Source: ONS – Ratio of lower quartile house prices to lower quartile gross annual workplace-based earnings, Table 6c

### House Prices

- 7.26 Over the period between 2013/14 and 2018/19 the NHF report an average house price increase of 37%, rising from £444,919 to £609,774, this has resulted in the income required to purchase an average priced home in the district with an 80% mortgage rising from £101,696 to £139,777 in the space of just six years.
- 7.27 By way of comparison, average earnings in the District saw an increase of just 12% from £42,448 to £42,739 over the same period.
- 7.28 Median house price data shows that in St Albans prices consistently exceed both the national and regional average with a 50% increase within the district since 2013/14 compared to 48% regionally and 32% nationally as shown at figure 7.3 below.

**Figure 7.3: Median House Prices**



Source: HPSSA Dataset 9

### Private Rental Market

- 7.29 The picture for renters in St Albans is not much better with the NHF reporting that average monthly rents increased 12% from £1,171 pcm to £1,310 pcm between 2013/14 and 2018/19.
- 7.30 Valuation Office data indicates that in St Albans median private rents increased by 25% between 2013/14 and 2019/209 from £998 pcm to £1,250 pcm, outstripping the national average of 15%. Comparatively 2019/20 median private rents in St Albans are 36% higher than the average for the region and 7% than the average nationally.
- 7.31 The situation is even worse in the lower quartile private rental sector where VOA data indicates that rents have increased by 18% over the same period from £825 pcm to £975 pcm, which is higher than the national average of £550pcm or the regional average of £650pcm.

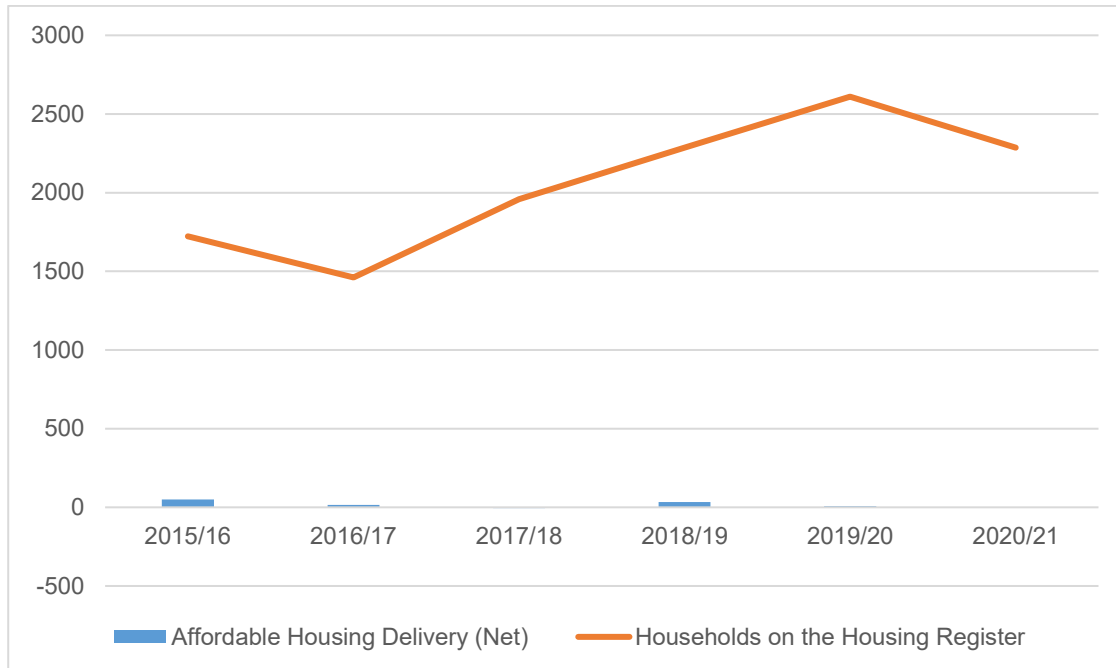
### **Affordability Indicators for Welwyn Hatfield**

#### Housing Register

- 7.32 At 1 April 2020 there were a total of 2,286 households on the Council's Housing Register. Figure 7.4 below provides a comparative analysis of the number of

households on the Register and gross affordable housing delivery over the period since 2015/16<sup>12</sup>.

*Figure 7.4: Comparative Analysis of the Housing Register and Net Affordable Housing Delivery*



Source: FOI response (2 July 2020), MHCLG Live Table 600

- 7.33 The evidence in Figure 7.4 demonstrates that affordable housing delivery has persistently fallen substantially short of meeting identified housing needs.
- 7.34 As is the case in St Albans, Welwyn Hatfield has also made changes to its Housing Allocations policies, reducing eligibility. On 29<sup>th</sup> January 2013 only applicants with a 'local connection' can join the list (previously anyone could join). A local connection means either living or working in the borough or to have close family members living in the Borough.
- 7.35 On 29<sup>th</sup> January 2018, the minimum period of permanent employment in the Borough necessary to demonstrate a local connection was increased to 5 years (16hrs pw on permanent contract). Previously, employment in the Borough for 12 months had been sufficient. These changes are identified in the FOI response at **Appendix JS1**.
- 7.36 Once again, such an approach does not reduce the need for affordable housing but instead makes it even harder for those unable to access open market housing to find a suitable place to live, with even more people at risk of homelessness.

<sup>12</sup> The base date of the SHMA

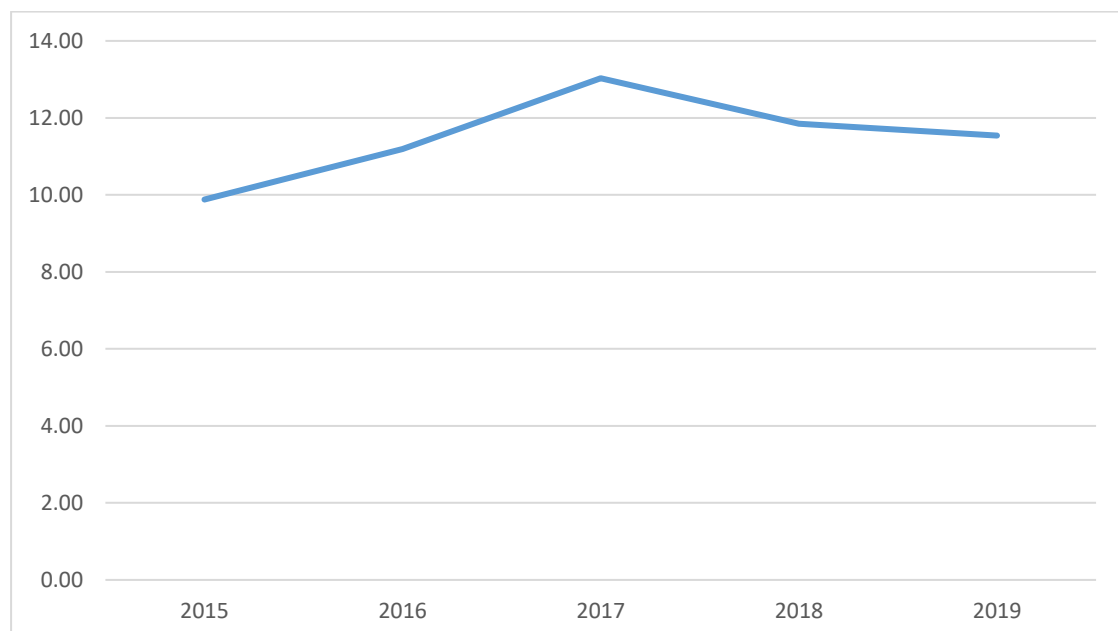
### Average Affordability Ratio

- 7.37 The National Housing Federation (NHF) Home Truths East of England report shows that in the period between 2015/6 and 2018/19 the average house price to average income ratio within the borough increased from 11.9 to 15 which represents a 26% change. The Home Truths East of England report for 2016/17<sup>13</sup> is at **Appendix JS14**.

### Lower Quartile Affordability Ratio

- 7.38 For those seeking a lower quartile priced property (typically considered to be the 'more affordable' segment of the housing market), the situation is even worse. The lower quartile house price to incomes ratio in Welwyn Hatfield has increased by 27% from 9.08 in 2015/16<sup>14</sup> to 11.54 in 2019/20 as illustrated by figure 7.5 below.

*Figure 7.5: Lower Quartile House Price to Income Ratio*



Source: ONS – Ratio of lower quartile house prices to lower quartile gross annual workplace-based earnings, Table 6c

### House Prices

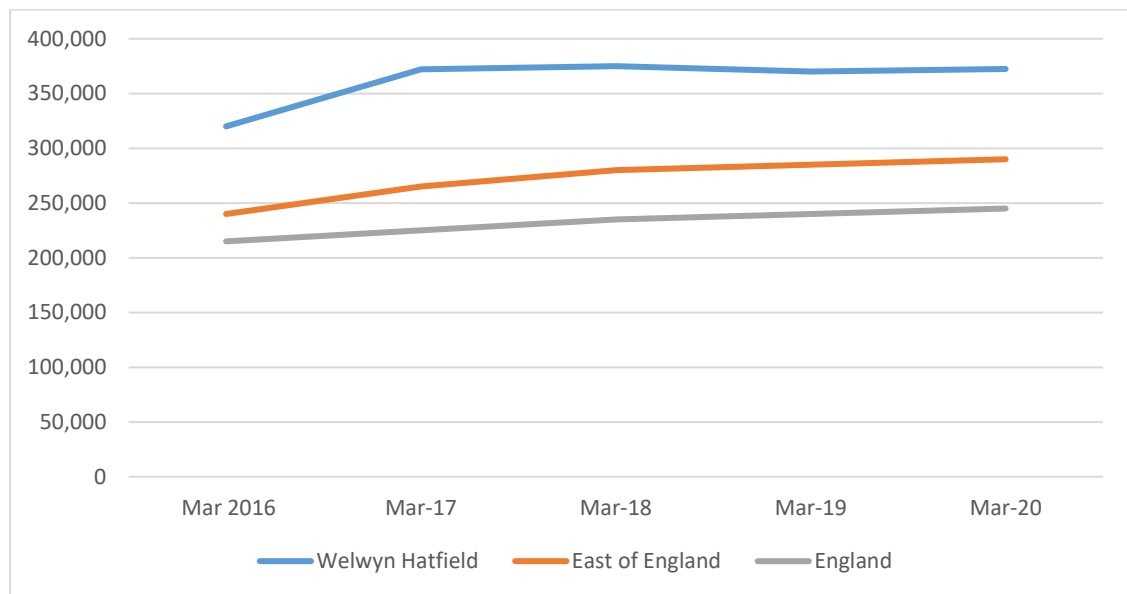
- 7.39 Over the period between 2015/16 and 2018/19 the NHF report an average house price increase of 14%, rising from £394,636 to £452,773, this has resulted in the income required to purchase an average priced home in the Borough with an 80% mortgage rising from £90,203 to £103,482 in the space of just four years.

<sup>13</sup> Covering the period 2015/16

<sup>14</sup> The base date of the SHMA 2017

- 7.40 By way of comparison, average earnings in the borough saw an increase of just 7% from £29,104 to £31,252 over the same period.
- 7.41 Median house price data shows that in Welwyn Hatfield prices consistently exceed both the national and regional average with a 43% increase within the borough since 2015/16 compared to 43% regionally and 26% nationally as shown at figure 7.6 below.

*Figure 7.6: Median House Prices in Welwyn Hatfield*



Source: HPSSA Dataset 9

#### Private Rental Market

- 7.42 The picture for renters is not much better with the NHF reporting that average monthly rents increased 3% from £1,098 pcm to £1,130 between 2015/16 and 2018/19.
- 7.43 The situation is not much better in the lower quartile private rental sector where VOA data indicates that rents have increased by 3% over the period from 2015/16 to 2019/20 from £825 pcm to £850 pcm. £25 per month is a lot for those on low incomes, and £850 pcm is significantly higher than the regional figure (£650) or the national figure (£425).

#### Temporary Accommodation

- 7.44 The extent of the affordable housing crisis within Welwyn Hatfield is such that at 1 April 2020 there were 98 households being housed in temporary accommodation within the Borough. A further 13 households were housed in temporary accommodation outside

of the Borough at 1 April 2020. This represents a 7% increase from the 104 households housed in temporary accommodation within and outside the Borough at 1 April 2019<sup>15</sup>.

- 7.45 Not only does this mean that those in need of affordable housing are being housed in temporary accommodation, which is unlikely to be suited to their needs, but for those housed in temporary accommodation outside of the Borough they are also located away from their support network. This would be particularly problematic for those with young children, especially single parent families.

#### Waiting times

- 7.46 The need for affordable homes is further demonstrated by the wait to be housed in an affordable home within the Borough ranges from 11 months for a 1-bed affordable home through to an astonishing 29 months for a 4-bed affordable home. The waiting times for all affordable property sizes is set out at figure 7.7 below and presents further stark evidence of the acute affordable housing crisis afflicting Welwyn Hatfield Borough.

*Figure 7.7: Housing Register Average Waiting Times*

Size of Affordable Property	Average Waiting Time to be Housed at 1 April 2019	Average Waiting Time to be Housed at 1 April 2020	%age change
1-bedroom home	12 months	11 months	-8%
2-bedroom home	12 months	12 months	0%
3-bedroom home	10 months	10 months	0%
4-bedroom home	14 months	24 months	+71%
4+ bedroom home	29 months	No data available	n/a

Source: FOI response (2 July 2020)

#### **Conclusions on Affordability Indicators**

- 7.47 Analysis of market signals in St Albans and Welwyn Hatfield clearly demonstrate a trend of decreasing affordability across both local authority areas. A summary of the affordability indicators for each authority is available to view at **Appendix JS15**.

<sup>15</sup> The FOI response does not break down the 2019 figures between those housed in temporary accommodation within and outside the borough



- 7.48 What is increasingly clear is that both authorities require their respective Councils to take an aspirational approach in order boost significantly the supply of housing, and affordable housing to address the acute affordability crises.
- 7.49 I consider that in light of the market signals, **very substantial weight** must be given to the (up to) 45 affordable homes that the appeal proposals would provide.

# The Weight to be Attributed to the Proposed Affordable Housing Provision

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## Section 8

- 8.1 The Government attaches weight to achieving a turnaround in affordability to help meet affordable housing needs. The NPPF is clear that the Government seeks to significantly boost the supply of housing.

### **The Need for Affordable Housing**

- 8.2 The National Housing Strategy sets out that a thriving housing market that offers choice, flexibility and affordable housing is critical to our social and economic wellbeing.
- 8.3 Both councils' performance in delivering affordable housing is failing to meet the needs of its residents.
- 8.4 Within St Albans, in the period since 2012/13 a total of 244 net affordable homes have been delivered at an average rate of just 35 net per annum. When compared with the objectively assessed need for at least 617 per annum over the same period, this has resulted in a shortfall in delivery of some -4,075 affordable homes compared with identified needs over the same period.
- 8.5 Were backlog needs to be addressed within the next five years using the Sedgefield approach, there is a net need for 1,185 affordable homes per annum, yet this is an Authority that has only achieved an average delivery rate of 35 net affordable homes per annum over the past five years.
- 8.6 The level of need is also significant when assessed against the recent Local Housing Needs Assessment (September 2020) which identifies a requirement for 828 dwellings per annum. It is clear that the Council is failing its residents in the provision of affordable housing.
- 8.7 Within Welwyn Hatfield Brough, in the five-year period since the start of the 2017 SHMA Update period in 2015/16 net affordable housing delivery represented just 4% of overall housing delivery. This is equivalent to just 23 affordable homes per annum.

- 8.8 Once again when comparative analysis is undertaken with net affordable housing delivery since the base date of the 2017 SHMA Update and the full affordable housing needs identified by the SHMA, a shortfall of -4,090 net affordable homes has accumulated in just five years.
- 8.9 The picture is just as bleak when comparison is made to the 2017 SHMA Update 'policy-on' figure of 160 affordable dwellings per annum over the period. In the five-year period since 2015/16 the council has over seen a shortfall of -687 affordable dwellings.
- 8.10 It is my view that backlog needs should be addressed within the first five years in line with the Sedgefield approach. This would ensure that the same approach to addressing backlog needs is applied affordable housing and is an approach which has been endorsed at appeal in Davenham.
- 8.11 The scale of the affordability problem that the District is facing is evident when it is considered that were backlog needs to be addressed within the next five years using the Sedgefield approach, there is a net need for 1,397 affordable homes per annum, yet this is an Authority that has only achieved an average delivery rate of just 23 net affordable homes per annum over the past five years.
- 8.12 The challenge the councils face in addressing affordable housing needs in both areas is stark.
- 8.13 The acute level of affordable housing need will detrimentally affect the ability of people to lead the best lives they can. The National Housing Strategy requires urgent action to build new homes, acknowledging the significant social consequences of failure to do so.
- 8.14 In addition to the shortfall in delivery against the objectively assessed need for affordable housing identified in the SHMA and LHNA, other indicators further point to an affordability crisis in the areas. This includes increasing house prices, continued homelessness, and increasingly unaffordable private rents.
- 8.15 This demonstrates an acute need for affordable housing in both St Albans and Welwyn Hatfield and one which the councils and decision makers need to do as much as possible to seek to address. Indeed, they are required to do so, and proactively, by the NPPF.

### **Affordable Housing Benefits of the Appeal Proposals**

- 8.16 The affordable housing benefits of the appeal scheme are:
- 45% of the scheme provided as affordable housing in excess of planning policy in both areas;
  - An addition of up to 41 affordable homes;
  - A deliverable scheme which provides much needed affordable homes;
  - In a sustainable location;
  - With the affordable homes managed by a Registered Provider;
  - Which provide modern affordable homes; and
  - Greater security of tenure than the private rented sector.
- 8.17 In my opinion these benefits are substantial and an important material consideration weighing heavily in favour of the proposal.

### **Weight to be Afforded to the Proposed Affordable Housing**

- 8.18 The NPPF is clear at paragraph 31 that policies should be underpinned by relevant up-to-date evidence which is adequate and proportionate and takes into account relevant market signals.
- 8.19 Paragraph 59 of the NPPF sets out the Government's clear objective of "*significantly boosting the supply of homes*" with paragraph 60 setting out that in order to "*determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment*".
- 8.20 The NPPF requires local authorities at paragraph 61 to assess and reflect in planning policies the size, type and tenure of housing needed for different groups, "*including those who require affordable housing*".
- 8.21 There has been a persistent and woeful under-delivery of affordable homes to meet identified needs and demand in both areas.
- 8.22 Against this scale of need, there can be no doubt in my mind that the provision of up to 45 affordable homes on the appeal site should be afforded **very substantial weight** in the determination of this appeal.

## The Councils' Statement of Case

- 8.23 At paragraph 4.35, the Councils' Statement of Case states that: *"The Councils accept that the provision of housing, having regard to their supply positions, is a matter that carries significant weight and the provision of a level of affordable housing that exceeds policy requirements should carry substantial weight in favour of the proposals."* (my emphasis)<sup>16</sup>.
- 8.24 This is repeated at paragraph 5.47 where the Statement of Case comments that *"On the back of an under-delivery of housing generally, shortfalls in affordable provision has occurred in both Council areas. The appeal scheme proposes 45% of the proposed housing to be affordable and subject to that being secured by way of undertaking it is a benefit of the scheme that should carry substantial weight."*
- 8.25 This is 'an improvement on the "moderate weight that Welwyn Hatfield Council gave the provision of affordable housing at application stage – itself indicate of the fact that the Council does not take seriously its abysmal affordable housing delivery.
- 8.26 During the applications, St Albans Council accepted in the case officer's report (paragraph 8.12.10) that the provision of housing and affordable housing carried substantial weight in favour of the proposed development, but that this was diluted by the lack of clarity in respect of housing mix and tenure and how the proposed development would directly contribute to housing need as identified in the latest published evidence in the LHNA.
- 8.27 The appeal application is of course in outline, with mix and tenure to be determined at reserved matters stage.
- 8.28 The St Albans officer also argued that there was no certainty over how many (or indeed whether any) of the affordable units would be located in St Albans District as this has not been specified in the application. The illustrative plan shows significant numbers of dwellings on both sides of the Borough/District boundary and there is no reason to believe that St Albans will not receive any affordable housing.
- 8.29 Given the stark need for affordable housing, any additional units are to be welcomed no matter what side of the boundary they lie.

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<sup>16</sup> This is also confirmed in the agreed Statement of Common Ground

## Relevant Secretary of State and Appeal Decisions

- 8.30 The importance of affordable housing as a material consideration has been reflected in a number of Secretary of State (SoS) and appeal decisions. Of particular interest is the amount of weight which has been afforded to affordable housing relative to other material considerations. Brief summaries are outlined below and the full decisions are included as appendices.

### ***Appeal Decision: Land North of Upper Chapel, Launceston (11 April 2014) – CD10.16***

- 8.31 At paragraph 51 the Inspector noted that *“irrespective of whether the five-year housing land supply figure is met or not, NPPF does not suggest that this has be regarded as a ceiling or upper limit on permissions. On the basis that there would be no harm from a scheme, or that the benefits would demonstrably outweigh the harm, then the view that satisfying a 5 year housing land supply figure should represent some kind of limit or bar to further permissions is considerably diminished, if not rendered irrelevant”*.
- 8.32 The Inspector acknowledged at paragraph 41 that the appeal proposal would have a very significant social role in bringing forward 40 affordable housing units, noting that there was an acute shortage of affordable housing in Launceston. The Inspector also noted that the need for additional affordable housing was all the greater having regard to other sites negotiating lower proportions of affordable housing in lieu of other planning obligation contributions.
- 8.33 At paragraph 52 of their report, the Inspector considered that *“there is an acknowledged acute need for affordable housing in this locality and the proposed scheme would bring forward 40 affordable units. This has to be a substantial benefit of the scheme.”* (emphasis added). In concluding the Inspector found that the benefits of the proposals outweighed the small degree of policy conflict.

### ***Secretary of State Decision: Pulley Lane, Droitwich Spa (2 July 2014) – CD11.06***

- 8.34 The Inspector recognised that the contribution of the scheme in meeting some of the affordable housing deficit in the area cannot be underestimated (Inspector’s Report, Page 89). The Inspector set out under paragraph 8.123 of their Report that:

*“The SOS should be aware that a major plank of the Appellant’s evidence is the significant under provision of affordable housing against the established need Figure and the urgent need to provide affordable housing in Wychavon. If the position in relation to the overall supply of housing demonstrate a general district-wide*

*requirement for further housing, that requirement becomes critical and the need overriding in relation to the provision of affordable housing. The most recent analysis in the SHMA (found to be a sound assessment of affordable housing needs) demonstrates a desperate picture bearing hallmarks of overcrowding, barriers to getting onto the housing ladder and families in crisis.”*

8.35 The Inspector continued under paragraph 8.123 of his report to state that *“the SHMA indisputably records that affordability is at crisis point. Without adequate provision of affordable housing, these acute housing needs will not be met. In terms of the NPPF’s requirement to create inclusive and mixed communities at paragraph 50, this is a very serious matter. Needless to say, these socially disadvantaged people were not represented at the Inquiry.”*

8.36 The level of significance attached to affordable housing provision was addressed through paragraph 8.124 of the Inspectors Report where he stated that:

*“These bleak and desperate conclusions are thrown into even sharper focus by an examination of the current circumstances in Wychavon itself. Over the whole of the District’s area, there is presently a need for 268 homes per annum. These are real people in real need now. Unfortunately, there appears to be no early prospect of any resolution to this problem...Given the continuing shortfall in affordable housing within the District, I consider the provision of affordable housing as part of the proposed development is a clear material consideration of significant weight that mitigates in favour of the site being granted planning permission”* (Inspectors Report, page 111).

8.37 This statement is supplemented at paragraph 8.125 by the Inspector considering that *“from all the evidence that is before me the provision of affordable housing must attract very significant weight in any proper exercise of planning balance.”*

8.38 The Secretary of State concluded that both schemes delivered *“substantial and tangible”* benefits, including the delivery of 40% *“much needed”* affordable housing.

***Appeal Decision: Land adjacent to Cornerways, High Street, Twyning, Tewkesbury (13 July 2015) – CD10.17***

8.39 The appeal was in respect of a proposed development of 58 dwellings with 36% affordable housing in Tewkesbury Borough Council administrative area.

8.40 In allowing the appeal the Inspector commented at paragraph 63 of their report that:

*“Mr Smith agreed that the delivery of 21 affordable dwellings is a social benefit of the proposal to which it was appropriate to give substantial weight. There is a great deal*



*of unchallenged evidence before the Inquiry to demonstrate that there is a housing crisis in this country that manifests itself in this Borough in terms of an acute shortage of affordable housing. Table 7.16 of the Strategic Housing Market Assessment [SHMA] Update [CDA17] identifies that the net annual need for affordable housing in Tewkesbury is 587 dwellings. This is more than twice the equivalent figure for the neighbouring District of Wychavon, despite the fact that Tewkesbury's population is little more than two thirds of that in Wychavon. The Inspector in the Wychavon appeal found that the provision of affordable housing in that case: "...is a clear material consideration of significant weight that mitigates in favour of the site being granted planning permission"; the Secretary of State agreed. Given the much larger quantum of identified need in Tewkesbury and the magnitude of the accumulated shortfall in affordable housing delivery, it would be appropriate to attribute very substantial weight to this important benefit of the proposal". (emphasis added)*

- 8.41 In allowing the appeal, the Inspector gave weight to the scheme's significance in meeting the needs of different groups in the Borough. The Inspector highlighted, at paragraph 65, this need which was *"underlined by the stark figure that this scheme alone would result in a 100 % increase in shared ownership properties in the Parish of Twynning, as well as a 27 % increase in social rented properties"*.
- 8.42 The Inspector described these figures as *"a powerful illustration of the extent to which the proposed development would contribute to creating a more mixed and balanced community, which is a key Government objective."*

***Appeal Decision: Land at the Corner of Oving Road and A27, Chichester (August 2017) – CD10.15***

- 8.43 Within the consideration of the appeal which sought to provide 100 dwellings to the east of Chichester, the Planning Inspector acknowledged the provisions of the Localism Act 2011 which allowed for Local Housing Authorities to set their own set of qualification criteria in order to register on the respective housing waiting lists.
- 8.44 As discussed, Local Housing Authorities such as Chichester used these freedoms to generate a more rigid set of requirements, which inevitably resulted in a reduction on those on housing waiting lists. However, whilst this was acknowledged by the Inspector, it was noted at Paragraph 63:

*"Moreover, the provision of 30% policy compliant affordable houses carries weight where the Council acknowledges that affordable housing delivery has fallen short of meeting the total assessed affordable housing need, notwithstanding a recent increase*



*in delivery. With some 1,910 households on the Housing Register in need of affordable housing, in spite of stricter eligibility criteria being introduced in 2013 there is a considerable degree of unmet need for affordable housing in the District. Consequently, I attach substantial weight to this element of the proposal.” [my emphasis]*

- 8.45 The recognition by the Inspector presiding over the Chichester appeal highlights the impact of the freedoms brought by the Localism Act 2011, and the significant reduction in those households on Councils’ Housing Registers. The Inspector’s comments acknowledged that there is a wider cohort that have been wiped off such waiting lists as a result of the changes, and in my opinion, are still in desperate need for affordable housing. The appeal was allowed on 18 August 2017.

***Appeal Decision: Land east of Park Lane, Coalpit Heath, South Gloucestershire (September 2018) – CD10.07***

- 8.46 Paragraph 61 of the decision states that *“there are three different components of the housing that would be delivered: market housing, affordable housing (AH) and custom-build housing (CBH). They are all important and substantial weight should be attached to each component for the reasons raised in evidence by the appellants, which was not substantively challenged by the Council, albeit they all form part of the overall housing requirement and supply.*
- 8.47 The Inspector went in to say that *the fact that the much-needed AH and CBH are elements that are no more than that required by policy is irrelevant – they would still comprise significant social benefits that merit substantial weight*” (my emphasis).

***Appeal Decision: Land at Dylon, Bromley (July 2019) – CD10.18/10.19***

- 8.48 This July 2019 decision appeal is particularly relevant because it relates to a proposal in Metropolitan Open Land, which has the equivalence and status of Green Belt.
- 8.49 In the inspector presiding the appeal, at Dylon International Premises in the London Borough of Bromley, also commented in his decision that *“Currently, there are some 3,477 households on the Council’s, heavily circumscribed, housing waiting list. For those accepted on the waiting list, there is an average wait time of 1.3-years for a one-bed home, 2.7-years for a 2-bed home and 2.6 -years for a 3-bed home.”*
- 8.50 The inspector went on to conclude that *“very substantial weight attaches to the contribution of this scheme to the provision of market housing and particularly the*

pressing need for affordable housing” (my emphasis). The Inspector allowed the appeal.

***Appeal Decision: North of Boroughbridge Road, South of Millfield Lane, York (July 2019) – CD10.05***

- 8.51 This July 2019 appeal decision relates to housing in the Green Belt and how the Written Ministerial Statement of December 2015 should be treated in respect of five year land supply.
- 8.52 The Inspector found that as the Council does not have a 5YHLS and in light of the imperative in the Framework to boost significantly the supply of housing, this provision is a significant consideration that weighs in favour of the proposal.
- 8.53 The Inspector then went on to say that *“Whilst I am mindful of the Written Ministerial Statement of December 2015 (WMS) which indicates that unmet need is unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances, this pre-dates the revised Framework. As this provision has not been translated into the Framework and the associated guidance has been removed from the Planning Practice Guidance, I give this WMS little weight as a material consideration.”*

***Appeal Decision: Oxford Brookes University, Wheatley Campus, College Close, Wheatley, Oxford (23 April 2020) – CD11.02***

- 8.54 The appeal related to the development of 500 houses, 173 of which would be affordable, on land within the Green Belt.
- 8.55 Inspector DM Young asserted that in the context of a lengthy housing register of 2,421 households “It is sometimes easy to reduce arguments of housing need to a mathematical exercise, but each one of those households represents a real person or family in urgent need who have been let down by a persistent failure to deliver enough affordable houses” (my emphasis). He went on to state that *“Although affordable housing need is not unique to this district, that argument is of little comfort to those on the waiting list”* before concluding that *“Given the importance attached to housing delivery that meets the needs of groups with specific housing requirements and economic growth in paragraphs 59 and 80 of the Framework, these benefits are considerations of substantial weight”* (my emphasis).
- 8.56 In the planning balance the Inspector stated that, *“The Framework attaches great importance to housing delivery that meets the needs of groups with specific housing*

requirements. *In that context and given the seriousness of the affordable housing shortage in South Oxfordshire, described as “acute” by the Council, the delivery of up to 500 houses, 173 of which would be affordable, has to be afforded very substantial weight”* (my emphasis).

- 8.57 In allowing the appeal, the Secretary of State concurred with these findings, including that the delivery of houses, and affordable houses “*are both considerations that carry very substantial weight*”.
- 8.58 The Secretary of State’s decision also underlines the importance of addressing needs on the Housing Register (especially if the local connection criteria is going to be relaxed), in the face of acute needs and persistent under delivery.

***Secretary of State Decision: Land to the West of Burnley-in-Wharfdale at Sun Land and Ilkley Road, Bradford (March 2021) – Appendix CD11.01***

- 8.59 The site proposed residential development on land within the Green Belt in Bradford. The Inspector noted at paragraph 531 that the Secretary of State attached significant weight to the delivery of 20% affordable housing in an earlier decision, whereas 30% affordable housing forms part of the current proposal. In these circumstances he considered that “*the proposed delivery of 30% affordable housing on this site should also attract very substantial weight*”. (my emphasis)
- 8.60 At paragraph 24, the Secretary of State agreed with the Inspector that “*the proposed development would make a significant contribution towards addressing market and affordable housing need*”, and that it would be able to provide a wide range of high-quality housing.
- 8.61 He also concluded that this carries very substantial weight and that the proposal would accord with the requirements of the Framework in this regard.
- 8.62 At paragraph 44, the Secretary of State commented that the proposal would deliver “*a substantial number of homes which attracts very substantial weight, given the poor housing land supply position*”.
- 8.63 The situation is analogous to that in both Welwyn Hatfield and St Albans where there is both a poor housing land supply position yet where the affordable housing percentage is much greater, at 45% compared to 30%.

**Secretary of State Decision: Land North of Viaduct adjacent Orchard Business Park, Ledbury (March 2021) – CD11.09**

- 8.64 The proposal was for 625 dwellings of which 250 (40%) would be affordable dwellings in accordance with the relevant policy. The Inspector found that there was “a *longstanding and sizeable shortfall in the provision of affordable dwellings*” (paragraph 16.123).
- 8.65 While the Inspector noted that sites to the south of the town were currently under construction, which may contribute to the supply of affordable housing, the Inspector concluded at paragraph 16.123 that “*due to the failure to deliver affordable homes over a period of many years there remains a considerable and pressing need for such housing. I therefore give substantial weight to the delivery of affordable housing*” (my emphasis).
- 8.66 The Secretary of State concurred with the Inspector in giving substantial weight to the delivery of affordable housing (paragraph 27 of the decision letter) and allowed the appeal.

**Appeal Decision: Land North West of Swanland Equestrian, West Field Lane, Swanland, East Riding of Yorkshire (March 2021)**

- 8.67 The proposal sought 150 dwellings in Swanland in the East Riding of Yorkshire. 25% of the dwellings would be affordable housing in compliance with the Local Plan requirement.
- 8.68 The Inspector noted that there had been a level of growth in the settlement that had given rise to a healthy supply of affordable units, but that “*it is clear that the ‘significant and pressing’ need recognised by the examining Inspector, is now acute*” (paragraph 70).
- 8.69 The Inspector went on to conclude at paragraph 70 that “*While the offer of 25% affordable housing would only meet the policy minimum in LPSD Policy H2, the weight to be given to it as a benefit cannot be anything other than substantial*” (my emphasis). The Inspector went on to allow the appeal.

**Overview of Secretary of State and Appeal Decisions**

- 8.70 The decisions above emphasise the great weight which the Secretary of State has, on various occasions, attached to the provision of affordable housing in the consideration of planning applications. Inspectors have agreed that affordable housing is a significant benefit in its own right.

8.71 Some of the key points I would highlight from these examples are:

- That affordable housing is an important material consideration;
- The importance of unmet need for affordable housing being met immediately;
- Even where only a policy-compliant level of affordable housing has been proposed, the Secretary of State has attached substantial weight to its delivery – these appeals exceed the policy requirement.
- The Secretary of State has attached ‘very substantial weight’ to the provision of affordable housing, including in locations within the Green Belt.

# Summary and Conclusions

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## Section 9

- 9.1 My Evidence deals specifically with affordable housing and the weight to be afforded to it in light of the evidence of need in the area.
- 9.2 Britain is in the midst of an undisputed housing crisis<sup>17</sup>. The National Housing Strategy states that a thriving housing market that offers choice, flexibility and affordable housing is critical to our social and economic wellbeing.
- 9.3 There is a wealth of evidence to demonstrate that there is a national housing crisis in the UK affecting many millions of people who are unable to access suitable accommodation to meet their housing needs. The NPPF sets out the Government's clear objective of *"significantly boosting the supply of homes"*. Indeed the recent Planning White Paper identifies a need for radical reform, with the Prime Minister, Boris Johnson, making the need for a whole new planning system that *"above all, that gives the people of this country the homes we need in the places we want to live at prices we can afford...."*
- 9.4 The lack of affordable homes is fuelling the area's persistent homelessness problem. Given the persistent under delivery of affordable housing delivery in both areas, there appears to be little prospect of the backlog affordable housing needs being met without a substantial boost in the delivery of affordable housing within both St Albans City and District and Welwyn Hatfield Borough.
- 9.5 Within St Albans, in the period since 2012/13 a total of 244 net affordable homes have been delivered at an average rate of just 35 net per annum. When compared with the objectively assessed need for at least 617 per annum over the same period, this has resulted in a shortfall in delivery of some -4,075 affordable homes compared with identified needs over the same period.
- 9.6 The level of need is significant when assessed against the recent Local Housing Needs Assessment (September 2020) which identifies a requirement for 828 dwellings per annum. Compared with the average delivery of 35 dwellings per annum, it is clear that the Council is failing its residents in the provision of affordable housing.

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<sup>17</sup> NHF Home Truths East of England 2017/18

- 9.7 Within Welwyn Hatfield Brough, in the five-year period since the start of the 2017 SHMA Update period in 2015/16 net affordable housing delivery represented just 4% of overall housing delivery. This is equivalent to just 23 affordable homes per annum.
- 9.8 Once again when comparative analysis is undertaken with net affordable housing delivery since the base date of the 2017 SHMA Update and the full affordable housing needs identified by the SHMA, a shortfall of -4,090 net affordable homes has accumulated in just five years.
- 9.9 The picture is just as bleak when comparison is made to the 2017 SHMA Update 'policy-on' figure of 160 affordable dwellings per annum over the period. In the five-year period since 2015/16 the council has over seen a shortfall of -687 affordable dwellings.
- 9.10 It is my view that backlog needs should be addressed within the first five years in line with the Sedgefield approach. This would ensure that the same approach to addressing backlog needs is applied affordable housing and is an approach which has been endorsed at appeal in Aviation Lane, Burton on Trent.
- 9.11 The scale of the affordability problem that the District is facing is evident when it is considered that were backlog needs to be addressed within the next five years using the Sedgefield approach, there is a net need for 1,397 affordable homes per annum, yet this is an Authority that has only achieved an average delivery rate of just 23 net affordable homes per annum over the past five years.
- 9.12 The challenge the councils face in addressing affordable housing needs in both areas is stark.
- 9.13 On a national level, in every scenario, against every annual need figure identified since the publication of the Barker Review in 2004, the extent of the shortfall in housing delivery in England is staggering and ranges from a shortfall of -1,105,490 to a shortfall of -2,635,490 homes over the past 17 years depending on which annual target actual housing completions are measured against. This merely serves to further compound the acute affordability problems that the country is facing.
- 9.14 What is clear is that a significant boost in the delivery of housing, and in particular affordable housing, in England is absolutely essential to arrest the housing crisis and prevent further worsening of the situation.

- 9.15 The cataclysmic under-delivery of affordable housing within St Albans and Welwyn Hatfield has left many households within these local authorities in the lurch without any realistic prospect of having their needs met now or under the emerging Local Plans.
- 9.16 Against the scale unmet need in St Albans and Welwyn Hatfield, there is no doubt in my mind that the provision of up to 45 affordable homes will make a substantial contribution.
- 9.17 In light of all the evidence I consider that it should be afforded nothing less than **very substantial weight** in the determination of this appeal.



# Appendix JS1

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Freedom of Information Correspondence

St Albans Council dated 4 June 2020, 3 July 2020, 2 February 2021, 26 February 2021

**From:** [Annie Gingell](#)  
**To:** [FOI@stalbens.gov.uk](mailto:FOI@stalbens.gov.uk)  
**Cc:** [James Stacey](#); [Andy Moger](#)  
**Subject:** Freedom of Information request  
**Date:** 04 June 2020 10:16:37  
**Attachments:** [image001.png](#)

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Dear Sir/Madam,

Can you please provide the following data in line with the provisions of the Freedom of Information Act.

-  
**Housing Register**  
-

1. The total number of households on the Council's Housing Register at 1st April 2020.
2. The total number of households on the Council's Housing Register at 1st April 2020 specifying Colney Heath Ward as their preferred choice of location.
3. Of those households in question 3 above, how many meet the local connection criteria for being housed in Colney Heath Ward.
4. The average waiting times at 1 April 2018 and 1 April 2019 for the following types of affordable property in the St Albans Council region:
  - a. A shared accommodation affordable dwelling;
  - b. 1-bed affordable dwelling;
  - c. 2-bed affordable dwelling;
  - d. 3-bed affordable dwelling;
  - e. 4-bed affordable dwelling; and
  - f. A 4+ bed affordable dwelling.
5. The average waiting times at 1 April 2019 and 1 April 2020 for the following types of affordable property in the St Albans Council region:
  - g. A shared accommodation affordable dwelling;
  - h. 1-bed affordable dwelling;
  - i. 2-bed affordable dwelling;
  - j. 3-bed affordable dwelling;
  - k. 4-bed affordable dwelling; and
  - l. A 4+ bed affordable dwelling.
6. Whether the Council has made any changes to its Housing Register Allocations Policy as a result of the provisions of the Localism Act and if so, when these occurred, and what they entailed.

### **Social Housing Stock**

7. The total number of social housing dwelling stock at 1st April 2019 in Colney Heath Ward.
8. The total number of social housing dwelling stock at 1st April 2020 in Colney Heath Ward.
9. Whether all, or a part of, the Local Authority's social housing dwelling stock as been transferred to another organisation(s). If so, when did this occur and to whom (i.e. which housing association(s) or Arms-Length Management Organisation (ALMO)) was the stock transferred.

### **Social Housing Lettings**

10. The number of social housing lettings in the following periods in Colney Heath Ward:
  - a. 1 April 2017 and 1 April 2018;
  - b. 1 April 2018 and 1 April 2019; and
  - c. 1 April 2019 and 1 April 2020.

### **Housing Completions**

11. The number of NET housing completions in the St Albans Council region broken down on a per annum basis for the period between 2000/01 and 2019/20.
12. The number of NET affordable housing completions in the St Albans Council region broken down on a per annum basis for the period between 2000/01 and 2019/20.
13. The number of NET housing completions in Colney Heath Ward broken down on a per annum basis for the period between 2000/01 and 2019/20.

14. The number of NET affordable housing completions in Colney Heath Ward broken down on a per annum basis for the period between 2000/01 and 2019/20.

### **Right to Buy**

15. The number of social rented dwellings lost in the St Albans Council region broken down on a per annum basis for the period between 2000/01 and 2019/20 through:
- a. Right to Buy;
  - b. Preserved Right to Buy;
  - c. Voluntary Right to Buy; and
  - d. Right to Acquire
16. The number of Right to Buy replacements funded by receipts from Right to Buy sales in the St Albans Council region broken down on a per annum basis for the period between 2000/01 and 2019/20.
17. The number of social rented dwellings lost in Colney Heath Ward broken down on a per annum basis for the period between 2000/01 and 2019/20 through:
- a. Right to Buy;
  - b. Preserved Right to Buy;
  - c. Voluntary Right to Buy; and
  - d. Right to Acquire.
18. The number of Right to Buy replacements funded by receipts from Right to Buy sales in Colney Heath Ward broken down on a per annum basis for the period between 2000/01 and 2019/20.

### **Temporary Accommodation**

19. The number of households on the Housing Register housed in temporary accommodation within the St Albans Council region at 1st April 2019.

20. The number of households on the Housing Register housed in temporary accommodation outside the St Albans Council region at 1st April 2019.
21. The number of households on the Housing Register housed in temporary accommodation within the St Albans Council region at 1st April 2020.
22. The number of households on the Housing Register housed in temporary accommodation outside the St Albans Council region at 1st April 2020.

I look forward to hearing from you. If there are any issues with providing any of the data then please get in touch.

**Annie Hamilton Gingell BSc (Hons) MSc**

**Planner**

TETLOW KING PLANNING

Please read our statement on COVID-19 [here](#)

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**T:** 0117 9561916 **M:** 07852 919089 **W:** [tetlow-king.co.uk](http://tetlow-king.co.uk)

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**From:** [Eva Radkowska](#)  
**To:** [Annie Gingell](#)  
**Subject:** FOI Response Exemption - Template 22.4.20.doc  
**Date:** 03 July 2020 11:04:24  
**Attachments:** [FOI Response Exemption - Template 22.4.20.doc](#)

---

Dear Ms Gingell

Please now find attached a response to your recent FOI request which I trust will be clear.

Kind regards.

FOI Co-ordinator

St Albans District Council  
Civic Centre  
St Peters Street  
St Albans  
AL1 3JE

T: 01727 819494 Int ext. 2494  
E: [eva.radkowska@stalbens.gov.uk](mailto:eva.radkowska@stalbens.gov.uk)

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**Please note for the time being during the Covid-19 pandemic, the Council will accept service by email.**

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**From:** [Annie Gingell](#)  
**To:** [Eva Radkowska](#)  
**Cc:** [foi@stalbans.gov.uk](mailto:foi@stalbans.gov.uk); [James Stacey](#); [Andy Moger](#)  
**Subject:** RE: FOI Response Exemption - Template 22.4.20.doc  
**Date:** 09 July 2020 16:05:55  
**Attachments:** [image001.png](#)  
[3.FOI Response BCC - 6 June 2018.pdf](#)  
[FOI Request \(FO-7082\).msg](#)

---

Dear Eva,

I wish to lodge a formal complaint regarding the council's response to my Freedom of Information (FOI) request dated 4 June 2020, which was received on 3 July 2020, stating that in order to provide the information requested the cost of compliance would exceed the statutory limits.

I would first like to highlight the fact that Tetlow King Planning have requested this data from over 70 local authorities across the country since 2014, only one of which has previously cited that the cost of compliance would exceed the appropriate limits. In this single instance out of 70+ cases, Birmingham City council estimated that it would take them 22 hours to fully answer the FOI request (see attached response), by comparison St Albans has quoted 1,055 hours to provide the same data. A substantial disparity of 1,033 hours. You should also be aware that an agreement was reached with Birmingham City Council whereby a second reduced FOI request was sent, and a full response was then received from Birmingham City Council within the statutory 20-working daytime limit.

Based on our prior experience to date it appears that in this particular instance St Albans Council has acted unreasonably and this is the principle reason for this formal complaint.

Based on the hours quoted in the council's response, when one assumes a typical working day of 7.5 hours, the council believes it would take in excess of 147 days to respond to just 22 questions, equating to more than 6 and a half days per question. For context, there are 262 working days in the calendar year for 2020 so the Council's position appears to be that it would take more than half a year to respond to this FOI request. This is made all the more peculiar when it is viewed in the context of 70+ other local authorities providing the very same information within 20-working days as required by the FOI Act. Given that the Council are required to provide most of the data requested to MHCLG as part of their central government returns and/or the data must be produced for the council's own Annual Monitoring Reports it is unclear how the Council has arrived at these time estimates.

For example, the council should record the number of housing and affordable housing completions within the authority area and this data should be readily available to the relevant officers. Similarly, the number of people on the housing register at 31 March/1 April forms a key component of the Council's central government returns each year (see MHCLG live table 600).

It is pertinent to note that the same FOI request sent to St Albans Council was also sent to Welwyn Hatfield Borough Council (immediately adjoining the St Albans local authority administrative area) on the same day. Welwyn Hatfield Borough Council have provided answers to all of the questions within the 20-working day statutory response period (see attached email).

Given all of the above, it seems reasonable to offer the council an opportunity to now reconsider

its position and provide a response to the initial request, or alternatively, to enter in to an active dialogue in respect of what information can be provided as was the case with Birmingham City Council, cited above.

I look forward to your response. Should you wish to discuss further then please contact James Stacey on 07852 919089 or Andrew Moger on 07884667892.

Kind regards,

**Annie Hamilton Gingell BSc (Hons) MSc**  
**Senior Planner**  
TETLOW KING PLANNING  
**Please read our statement on COVID-19 [here](#)**

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**From:** Eva Radkowska <Eva.Radkowska@stalbands.gov.uk>  
**Sent:** 03 July 2020 11:04  
**To:** Annie Gingell <Annie.Gingell@tetlow-king.co.uk>  
**Subject:** FOI Response Exemption - Template 22.4.20.doc

Dear Ms Gingell

Please now find attached a response to your recent FOI request which I trust will be clear.

Kind regards.

FOI Co-ordinator

St Albans District Council  
Civic Centre  
St Peters Street  
St Albans  
AL1 3JE

T: 01727 819494 Int ext. 2494  
E: [eva.radkowska@stalbands.gov.uk](mailto:eva.radkowska@stalbands.gov.uk)

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**Please note for the time being during the Covid-19 pandemic, the Council will accept service by email.**

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From: [Annie Gingell](#)  
To: [foi@stalbans.gov.uk](mailto:foi@stalbans.gov.uk)  
Cc: [James Stacey](#)  
Subject: Freedom of Information request  
Date: 02 February 2021 18:48:44  
Attachments: [image001.png](#)

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Dear Sir/Madam,

Can you please provide the following data in line with the provisions of the Freedom of Information Act.

-  
**Housing Register**

- 
1. The total number of households on the Council's Housing Register at 1st April 2020.
  2. The total number of households on the Council's Housing Register at 1st April 2020 specifying the Colney Heath Ward as their preferred choice of location.
  3. Any changes the Council has made to its Housing Register Allocations Policy since 2011 including:
    - a. The date they occurred;
    - b. What they entailed; and
    - c. Copies of the respective documents.

**Social Housing**

4. The total number of social housing dwelling stock at 1st April 2020 in Colney Heath Ward.
5. The number of social housing lettings in the period between 1 April 2018 and April 2019; and between 1 April 2019 and 1 April 2020 in Colney Heath Ward.
6. Whether all, or a part of, the Local Authority's social housing dwelling stock as been transferred to another organisation(s). If so, when did this occur and to whom (i.e. which housing association(s) or Arms-Length Management Organisation (ALMO)) was the stock transferred.

**Housing Completions**

7. The number of NET housing completions in the St Albans Council region broken down on a per annum basis for the period between 2011/12 and 2019/20.
8. The number of NET affordable housing completions in the St Albans Council region broken down on a per annum basis for the period between 2011/12 and 2019/20.

**Right to Buy**

9. The number of social rented dwellings lost in the St Albans Council region

broken down on a per annum basis for the period between 2011/12 and 2019/20 through:

- a. Right to Buy;
- b. Preserved Right to Buy; and
- c. Voluntary Right to Buy

**Temporary Accommodation**

- 10. The number of households on the Housing Register housed in temporary accommodation within the St Albans Council region at 1st April 2019 and 1st April 2020.
- 11. The number of households on the Housing Register housed in temporary accommodation outside the St Albans Council region at 1st April 2019 and 1st April 2020.

I look forward to hearing from you. If there are any issues with providing any of the data then please get in touch.

Kind regards

**Annie Hamilton Gingell BSc (Hons) MSc**  
**Senior Planner**  
TETLOW KING PLANNING  
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**T:** 0117 9561916 **M:** 07517106114 **W:** [tetlow-king.co.uk](http://tetlow-king.co.uk)

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**From:** [Annie Gingell](#)  
**To:** [James Stacey](#); [Oliver Marigold](#)  
**Subject:** FW: Freedom of Information Response: Our Reference 000005074  
**Date:** 26 February 2021 16:55:14  
**Attachments:** [Housing Allocations Policy November 2012.pdf](#)  
[SADC Housing Allocations Policy-Feb 21.pdf](#)  
[St Albans Allocations Policy-May 2016.pdf](#)  
[Allocations Policy - August 2018.pdf](#)  
[Allocations Policy 2011 amended May 2012.pdf](#)  
[Allocations policy July 2015.pdf](#)  
[Allocations policy September 2013.pdf](#)  
[Allocations Policy-December 2013.pdf](#)  
[image001.png](#)

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FYI

**Annie Hamilton Gingell BSc (Hons) MSc**  
**Senior Planner**

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**From:** Eva Radkowska <[Eva.Radkowska@stalbans.gov.uk](mailto:Eva.Radkowska@stalbans.gov.uk)>  
**Sent:** 26 February 2021 16:49  
**To:** Annie Gingell <[Annie.Gingell@tetlow-king.co.uk](mailto:Annie.Gingell@tetlow-king.co.uk)>  
**Subject:** Freedom of Information Response: Our Reference 000005074



**CORPORATE SERVICES**  
**Head of Service - Simonne De Vall**

**Our Ref: 000005074**  
**Please ask for: FOI Coordinator**  
**Direct Dial: (01727) 819209**  
**e-mail address: [foi@stalbans.gov.uk](mailto:foi@stalbans.gov.uk)**  
**Date: 26th February 2021**

Dear Ms Gingell

**Freedom of Information Request Ref. No. 000005074**

I write with regard to your request for information sent by email to St Albans City and District Council. Your email was received by the Council on 2nd February 2021.

Under the Freedom of Information Act 2000, we are required to confirm what information we hold, and if we do hold the information, disclose the information, subject to exemptions or other provisions applying.

**You requested:**

**Housing Register**

1. The total number of households on the Council's Housing Register at 1st April 2020.
2. The total number of households on the Council's Housing Register at 1st April 2020 specifying the Colney Heath Ward as their preferred choice of location.
3. Any changes the Council has made to its Housing Register Allocations Policy since 2011 including:
  1. The date they occurred;
  2. What they entailed; and

3. Copies of the respective documents.

### **Social Housing**

4. The total number of social housing dwelling stock at 1st April 2020 in Colney Heath Ward.
5. The number of social housing lettings in the period between 1 April 2018 and April 2019; and between 1 April 2019 and 1 April 2020 in Colney Heath Ward.
6. Whether all, or a part of, the Local Authority's social housing dwelling stock as been transferred to another organisation(s). If so, when did this occur and to whom (i.e. which housing association(s) or Arms-Length Management Organisation (ALMO)) was the stock transferred.

### **Housing Completions**

7. The number of NET housing completions in the St Albans Council region broken down on a per annum basis for the period between 2011/12 and 2019/20.
8. The number of NET affordable housing completions in the St Albans Council region broken down on a per annum basis for the period between 2011/12 and 2019/20.

### **Right to Buy**

9. The number of social rented dwellings lost in the St Albans Council region broken down on a per annum basis for the period between 2011/12 and 2019/20 through:
  1. Right to Buy;
  2. Preserved Right to Buy; and
  3. Voluntary Right to Buy

### **Temporary Accommodation**

1. The number of households on the Housing Register housed in temporary accommodation within the St Albans Council region at 1st April 2019 and 1st April 2020.
1. The number of households on the Housing Register housed in temporary accommodation outside the St Albans Council region at 1st April 2019 and 1st April 2020.

### **Our response:**

We can confirm that we do hold much of this information although certain historic data is not available. I have indicated this against the question where this is the case.

### **Housing Register**

1. The total number of households on the Council's Housing Register at 1st April 2020.  
I am afraid we are only able to provide current data. We are not able to extract the previous year's data correctly. We have 970 applicants and applications include those that are live, incomplete, pending assessment, suspended or proofs outstanding.  
534 applications are currently live.
2. The total number of households on the Council's Housing Register at 1st April 2020 specifying the Colney Heath Ward as their preferred choice of location.

We have 424 applicants, (including live, incomplete, pending assessment, suspended, proofs outstanding). Live applications are 219.

3. Any changes the Council has made to its Housing Register Allocations Policy since 201.

Please see attached the respective versions of the Housing Allocations Policy which will enable you to see the differences/changes.

4. The total number of social housing dwelling stock at 1st April 2020 in Colney Heath Ward.

154

5. The number of social housing lettings in the period between 1 April 2018 and April 2019; and between 1 April 2019 and 1 April 2020 in Colney Heath Ward.

We do not hold data prior to 2019.

April 2019/20 ( partial data due to change in system in 2019) 6 allocations

6. Whether all, or a part of, the Local Authority's social housing dwelling stock as been transferred to another organisation(s). If so, when did this occur and to whom (i.e. which housing association(s) or Arms-Length Management Organisation (ALMO)) was the stock transferred.

None

### **Housing Completions**

7. The number of NET housing completions in the St Albans Council region broken down on a per annum basis for the period between 2011/12 and 2019/20:

<b>Monitoring Year</b>	<b>Dwelling Completions (Net)</b>
2011/12	380
2012/13	320
2013/14	375
2014/15	313
2015/16	396
2016/17	340
2017/18	385
2018/19	624
2019/20	437

8. The number of NET affordable housing completions in the St Albans Council region broken down on a per annum basis for the period between 2011/12 and 2019/20:

<b>Monitoring Year</b>	<b>Affordable Dwelling Completions (Net)</b>
2011/12	20
2012/13	105
2013/14	-42
2014/15	70
2015/16	97
2016/17	59
2017/18	106
2018/19	82
2019/20	31

### **Right to Buy**

The number of social rented dwellings lost in the St Albans Council region broken down on a per annum basis for the period between 2011/12 and 2019/20 through:

#### **a. Right to Buy**

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
RTB's	6	18	37	27	24	24	20	12	15

#### **b. Preserved Right to Buy**

None/not applicable

#### **c. Voluntary Right to Buy**

None/not applicable

**Temporary Accommodation**

10. The number of households on the Housing Register housed in temporary accommodation within the St Albans Council region at 1st April 2019 and 1st April 2020.

1 April 2019 – 127

1 April 2020 - 129

11. The number of households on the Housing Register housed in temporary accommodation outside the St Albans Council region at 1st April 2019 and 1st April 2020.

1 April 2019 – 6

1 April 2020 – 2

If you are dissatisfied with this response the Commissioner's Office recommends that you first refer the matter to the Council. You can do this by writing to [foi@stalbans.gov.uk](mailto:foi@stalbans.gov.uk) asking for an internal review of my decision. If you wish the Council to undertake an internal review, then you must write to the Council within 40 working days of the date of this letter. The Council will not consider any requests received after this date unless there are exceptional circumstances for the delay.

You have a right to appeal to the Information Commissioner's Office at the following address: Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. You must do this no later than two months after the Local Authority's last response to you.

Kind Regards

**FOI Coordinator**  
**Corporate Services**

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## Appendix JS2

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Freedom of Information Correspondence

Welwyn Hatfield Council dated 4 June 2020, 2 July 2020,  
2 February 2021, 2 March 2021



**From:** Annie Gingell  
**Sent:** 04 June 2020 10:23  
**To:** freedom@welhat.gov.uk  
**Cc:** James Stacey; Andy Moger  
**Subject:** Freedom of Information request

Dear Sir/Madam,

Can you please provide the following data in line with the provisions of the Freedom of Information Act.

**Housing Register**

1. The total number of households on the Council's Housing Register at 1st April 2020.
2. The total number of households on the Council's Housing Register at 1st April 2020 specifying Welham Green and Hatfield South Ward as their preferred choice of location.
3. Of those households in question 3 above, how many meet the local connection criteria for being housed in Welham Green and Hatfield South Ward.
4. The average waiting times at 1 April 2018 and 1 April 2019 for the following types of affordable property in the Welwyn Hatfield Council region:
  - a. A shared accommodation affordable dwelling;
  - b. 1-bed affordable dwelling;
  - c. 2-bed affordable dwelling;
  - d. 3-bed affordable dwelling;
  - e. 4-bed affordable dwelling; and
  - f. A 4+ bed affordable dwelling.
5. The average waiting times at 1 April 2019 and 1 April 2020 for the following types of affordable property in the Welwyn Hatfield Council region:
  - g. A shared accommodation affordable dwelling;
  - h. 1-bed affordable dwelling;
  - i. 2-bed affordable dwelling;
  - j. 3-bed affordable dwelling;
  - k. 4-bed affordable dwelling; and
  - l. A 4+ bed affordable dwelling.
6. Whether the Council has made any changes to its Housing Register Allocations Policy as a result of the provisions of the Localism Act and if so, when these occurred, and what they entailed.

**Social Housing Stock**

7. The total number of social housing dwelling stock at 1st April 2019 in Welham Green and Hatfield South Ward.
8. The total number of social housing dwelling stock at 1st April 2020 in Welham Green and Hatfield South Ward.
9. Whether all, or a part of, the Local Authority's social housing dwelling stock has been transferred to another organisation(s). If so, when did this occur and to whom (i.e. which housing association(s) or Arms-Length Management Organisation (ALMO)) was the stock transferred.

## **Social Housing Lettings**

10. The number of social housing lettings in the following periods in Welham Green and Hatfield South Ward:
- 1 April 2017 and 1 April 2018;
  - 1 April 2018 and 1 April 2019; and
  - 1 April 2019 and 1 April 2020.

## **Housing Completions**

11. The number of NET housing completions in the Welwyn Hatfield Council region broken down on a per annum basis for the period between 2000/01 and 2019/20.
12. The number of NET affordable housing completions in the Welwyn Hatfield Council region broken down on a per annum basis for the period between 2000/01 and 2019/20.
13. The number of NET housing completions in Welham Green and Hatfield South Ward broken down on a per annum basis for the period between 2000/01 and 2019/20.
14. The number of NET affordable housing completions in Welham Green and Hatfield South Ward broken down on a per annum basis for the period between 2000/01 and 2019/20.

## **Right to Buy**

15. The number of social rented dwellings lost in the Welwyn Hatfield Council region broken down on a per annum basis for the period between 2000/01 and 2019/20 through:
- Right to Buy;
  - Preserved Right to Buy;
  - Voluntary Right to Buy; and
  - Right to Acquire
16. The number of Right to Buy replacements funded by receipts from Right to Buy sales in the Welwyn Hatfield Council region broken down on a per annum basis for the period between 2000/01 and 2019/20.
17. The number of social rented dwellings lost in Welham Green and Hatfield South Ward broken down on a per annum basis for the period between 2000/01 and 2019/20 through:
- Right to Buy;
  - Preserved Right to Buy;
  - Voluntary Right to Buy; and
  - Right to Acquire.
18. The number of Right to Buy replacements funded by receipts from Right to Buy sales in Welham Green and Hatfield South Ward broken down on a per annum basis for the period between 2000/01 and 2019/20.

## **Temporary Accommodation**

19. The number of households on the Housing Register housed in temporary accommodation within the Welwyn Hatfield Council region at 1st April 2019.
20. The number of households on the Housing Register housed in temporary accommodation outside the Welwyn Hatfield Council region at 1st April 2019.
21. The number of households on the Housing Register housed in temporary accommodation within the Welwyn Hatfield Council region at 1st April 2020.

22. The number of households on the Housing Register housed in temporary accommodation outside the Welwyn Hatfield Council region at 1st April 2020.

I look forward to hearing from you. If there are any issues with providing any of the data then please get in touch.

**Annie Hamilton Gingell BSc (Hons) MSc**

**Planner**

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**From:** [Alison Marston](#)  
**To:** [Annie Gingell](#)  
**Subject:** FOI Request (FO-7082)  
**Date:** 02 July 2020 20:37:28  
**Attachments:** [Freedom Of Information Complaint Procedure - July 2018.pdf](#)  
[FO 7082 Allocation Policy Changes.docx](#)  
[FO 7082 answers July 2020.docx](#)  
[FO 7082 information July 2020.xlsx](#)

---

Good evening,

Following your request for information received on 04 June 2020, please see the attached documents

I hope this satisfies your request but if you have any queries or concerns then please contact Alison Marston, Freedom of Information Officer, Welwyn Hatfield Council, Council Offices, The Campus, Welwyn Garden City, Hertfordshire AL8 6LA, Telephone: 01707 357413, Email: [freedom@welhat.gov.uk](mailto:freedom@welhat.gov.uk). I attach a copy of the Freedom of Information complaint procedure.

Further information is also available from the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Telephone: 01625 545 700  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Regards,

**Alison Marston**  
**Governance Services Manager**  
Freedom of Information Officer  
Welwyn Hatfield Borough Council  
Tel: 01707 357413  
Email: [a.marston@welhat.gov.uk](mailto:a.marston@welhat.gov.uk)

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[www.welhat.gov.uk](http://www.welhat.gov.uk)  
[@WelHatCouncil](#)  
[Welwyn Hatfield Borough Council](#)

## Allocation Policy Changes (Question 6)

### Rules setting out who can join the waiting list

Current Position	Proposed change
Anyone aged 16 years or more, regardless of whether they have a 'local connection' can join the waiting list	Only applicants with a 'local connection' can join the list. A local connection means either living or working in the borough or to have close family members living in the borough
Anyone aged 16 years or more, regardless of their housing need, can join the waiting list	Only applicants with a recognised housing need can join the waiting list. An exception will be made for applicants aged 60 or more, who will still be able to join the list
No special rules for former armed forces personnel	To consider where a former member of the Armed Forces lived <b>before</b> they signed up for service, when deciding if they have a local connection.

### Rules setting out what 'priority' applicants are given

Current Position	Proposed changes
There are no special rules for former armed forces personnel	Former armed forces personnel, who have been honourably discharged and have a very high housing need are given extra priority
Current tenants who live in flats with children are given extra priority	No extra priority is given to tenants who live in flats with children. This would apply to new applicants only.
No extra priority is given to tenants of council and housing association homes who live in a property with one more bedroom than they need (this is called "under occupying")	Tenants of council and housing association homes who under occupy their property by one bedroom will be placed in Band B
No extra priority is given to tenants who wish to move into older person's housing	To place tenants who wish to move from a general needs property to older person's housing in Band B for a limited period.

## Housing Register

1. The total number of households on the Council's Housing Register at 1st April 2020.

2286

2. The total number of households on the Council's Housing Register at 1st April 2020 specifying Welham Green and Hatfield South Ward as their preferred choice of location.

This is not recorded as we operate a choice based lettings scheme so customers look at each available property they can bid on, when it is advertised, and decide whether or not they want to express and interest in it.

3. Of those households in question 3 above, how many meet the local connection criteria for being housed in Welham Green and Hatfield South Ward.

N/A Local connection is looked at in order to qualify for the register and the local connection is to anywhere in the Welwyn Hatfield Borough Council area, not specific wards or villages.

4. The average waiting times at 1 April 2018 and 1 April 2019 for the following types of affordable property in the Welwyn Hatfield Council region:

- a. A shared accommodation affordable dwelling; n/a
- b. 1-bed affordable dwelling; 12 months
- c. 2-bed affordable dwelling; 12 months
- d. 3-bed affordable dwelling; 10 months
- e. 4-bed affordable dwelling; and 14 months
- f. A 4+ bed affordable dwelling. 29 months

5. The average waiting times at 1 April 2019 and 1 April 2020 for the following types of affordable property in the Welwyn Hatfield Council region:

- g. A shared accommodation affordable dwelling; n/a
- h. 1-bed affordable dwelling; 11 months
- i. 2-bed affordable dwelling; 12 months
- j. 3-bed affordable dwelling; 10 months
- k. 4-bed affordable dwelling; and 24 months
- l. A 4+ bed affordable dwelling. 0 lets during this period

6. Whether the Council has made any changes to its Housing Register Allocations Policy as a result of the provisions of the Localism Act and if so, when these occurred, and what they entailed.

The policy was review in 2013 post Localism Act 2011. Details of the changes are provided separately.

Additionally, on 8<sup>th</sup> June 2020 our Housing Allocations policy was amended, and we gave additional preference for homeless rough sleepers, placing them in band C once verified as rough sleeping, instead of band D.

We also give greater preference to homeless households who we have a current prevention or relief duty towards, under the terms of the localism act, by allowing them onto the housing needs register during this time that we have the duty, even where we might not have done otherwise.

### **Social Housing Stock**

7. The total number of social housing dwelling stock at 1st April 2019 in Welham Green and Hatfield South Ward.

1491

8. The total number of social housing dwelling stock at 1st April 2020 in Welham Green and Hatfield South Ward.

1486

9. Whether all, or a part of, the Local Authority's social housing dwelling stock has been transferred to another organisation(s). If so, when did this occur and to whom (i.e. which housing association(s) or Arms-Length Management Organisation (ALMO)) was the stock transferred.

N/A

### **Social Housing Lettings**

10. The number of social housing lettings in the following periods in Welham Green and Hatfield South Ward:

- a. 1 April 2017 and 1 April 2018; 81
- b. 1 April 2018 and 1 April 2019; and 129
- c. 1 April 2019 and 1 April 2020. 119

### **Housing Completions - Please note that for affordable completions, I only have gross completions figures.**

11. The number of NET housing completions in the Welwyn Hatfield Council region broken down on a per annum basis for the period between 2000/01 and 2019/20. –

See Spreadsheet

12. The number of ~~NET~~ affordable housing completions in the Welwyn Hatfield Council region broken down on a per annum basis for the period between 2000/01 and 2019/20.

See Spreadsheet

13. The number of NET housing completions in Welham Green and Hatfield South Ward broken down on a per annum basis for the period between 2000/01 and 2019/20.

See Spreadsheet

14. The number of ~~NET~~ affordable housing completions in Welham Green and Hatfield South Ward broken down on a per annum basis for the period between 2000/01 and 2019/20.

See Spreadsheet

## **Right to Buy**

15. The number of social rented dwellings lost in the Welwyn Hatfield Council region broken down on a per annum basis for the period between 2000/01 and 2019/20 through:
- a. Right to Buy; **see spreadsheet**
  - b. Preserved Right to Buy; **N/A**
  - c. Voluntary Right to Buy; and **N/A**
  - d. Right to Acquire **N/A**

16. The number of Right to Buy replacements funded by receipts from Right to Buy sales in the Welwyn Hatfield Council region broken down on a per annum basis for the period between 2000/01 and 2019/20.

**See Spreadsheet**

17. The number of social rented dwellings lost in Welham Green and Hatfield South Ward broken down on a per annum basis for the period between 2000/01 and 2019/20 through:
- e. Right to Buy; **see spreadsheet**
  - f. Preserved Right to Buy; **N/A**
  - g. Voluntary Right to Buy; and **N/A**
  - h. Right to Acquire. **N/A**

18. The number of Right to Buy replacements funded by receipts from Right to Buy sales in Welham Green and Hatfield South Ward broken down on a per annum basis for the period between 2000/01 and 2019/20.

**See Spreadsheet**

## **Temporary Accommodation**

19. The number of households on the Housing Register housed in temporary accommodation within the Welwyn Hatfield Council region at 1st April 2019.

**104 households in total – not able to advise whether in or out of borough as detailed information isn't held for this period**

20. The number of households on the Housing Register housed in temporary accommodation outside the Welwyn Hatfield Council region at 1st April 2019.

**See above**

21. The number of households on the Housing Register housed in temporary accommodation within the Welwyn Hatfield Council region at 1st April 2020.

**98 households**

22. The number of households on the Housing Register housed in temporary accommodation outside the Welwyn Hatfield Council region at 1st April 2020.

**13 households**



11. The number of NET housing completions in the Welwyn Hatfield Council region broken down on a per annum basis for the period between 2000/01 and 2019/20. –

Question 11	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20*
Welwyn Hatfield Net Completions	158	82	478	812	642	709	684	747	327	59	204	293	148	316	391	507	671	315	462	676

2019/20\* are provisional figures

12. The number of **NET** affordable housing completions in the Welwyn Hatfield Council region broken down on a per annum basis for the period between 2000/01 and 2019/20.

Question 12	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20*
Welwyn Hatfield Affordable Completions	15	40	180	240	178	99	307	265	185	2	62	79	27	29	75	96	56	44	74	57

2019/20\* are provisional figures

Affordable completions are GROSS figures

13. The number of NET housing completions in Welham Green and Hatfield South Ward broken down on a per annum basis for the period between 2000/01 and 2019/20.

Question 13	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20*
Welham Green and Hatfield South Net Completions	1	12	0	5	5	5	2	0	17	3	42	40	9	0	41	2	3	11	24	20

2019/20\* are provisional figures

14. The number of **NET** affordable housing completions in Welham Green and Hatfield South Ward broken down on a per annum basis for the period between 2000/01 and 2019/20.

Question 14	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20*
Welham Green and Hatfield South Affordable Completions	0	0	0	0	0	0	0	0	0	2	26	0	0	0	16	2	0	7	22	16

2019/20\* are provisional figures

Affordable completions are GROSS figures

15. The number of social rented dwellings lost in the Welwyn Hatfield Council region broken down on a per annum basis for the period between 2000/01 and 2019/20 through:

Question 15	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20*
a. Right to Buy	189	121	123	113	69	42	34	47	8	20	14	10	63	95	85	67	77	49	40	50

16. The number of Right to Buy replacements funded by receipts from Right to Buy sales in the Welwyn Hatfield Council region broken down on a per annum basis for the period between 2000/01 and 2019/20.

Question 16	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20*
Welwyn Hatfield Replacements	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	5	20	16	36	35	48	20

n/a - not available

17. The number of social rented dwellings lost in Welham Green and Hatfield South Ward broken down on a per annum basis for the period between 2000/01 and 2019/20 through

Question 17	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20*
e. Right to Buy	39	30	37	30	10	10	6	10	3	5	4	1	15	19	19	14	24	14	5	8

18. The number of Right to Buy replacements funded by receipts from Right to Buy sales in Welham Green and Hatfield South Ward broken down on a per annum basis for the period between 2000/01 and 2019/20.

Question 18	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20*
Welham Green and Hatfield South Replacements	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2	11	4	5	4	10	2

n/a - not available

**WELWYN HATFIELD BOROUGH COUNCIL**

**FREEDOM OF INFORMATION and ENVIRONMENTAL INFORMATION  
REGULATIONS REQUESTS  
APPEAL/COMPLAINT PROCEDURE**

If you are in any way dissatisfied with either the decision made regarding your request and/or the manner in which your request was dealt with, please follow the procedure outlined below.

1. Within 10 working days of the date you receive written notice of the Council's decision on your request for information, please state in writing or by email addressed to the Council's Freedom of Information Officer (currently Alison Marston, Principal Governance Officer), Welwyn Hatfield Council, Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE ([freedom@welhat.gov.uk](mailto:freedom@welhat.gov.uk)), the reason why you wish to complain.
2. On receipt of your appeal/complaint, the Freedom of Information Officer will arrange for the appeal/complaint to be considered by a Panel consisting of two members of the Council's Corporate Management Team.
3. The Panel will endeavour to deal with the appeal/complaint as quickly as possible and in any event within 14 working days of the receipt of the appeal/complaint by the Council.
4. You will be given written notice of the decision of the Panel, which will set out the reason for its decision.
5. You will also be reminded of your right of appeal to the Information Commissioner if you remain dissatisfied with the outcome. The Information Commissioner is currently Elizabeth Denham and her contact details are:

Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire  
SK9 5AF  
Telephone: 01625 545700  
Email: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)

6. The Freedom of Information Officer will keep a record of all appeals/complaints received and their outcome and will make changes to the way the Council determines and/or deals with requests for information if this becomes necessary as a result of decisions on appeals/complaints.

Review Date: July 2018 Next Review Date: July 2020

**From:** Annie Gingell  
**Sent:** 02 February 2021 18:50  
**To:** freedom@welhat.gov.uk  
**Cc:** James Stacey  
**Subject:** Freedom of Information request

Dear Sir/Madam,

Can you please provide the following data in line with the provisions of the Freedom of Information Act.

**Housing Register**

1. Any changes the Council has made to its Housing Register Allocations Policy since 2011 including:
  - a. The date they occurred;
  - b. What they entailed; and
  - c. Copies of the respective documents.

**Housing Completions**

2. The number of NET housing completions in the Welwyn Hatfield Council region for the period 2019/20.
3. The number of NET affordable housing completions in the Welwyn Hatfield Council region for the period 2019/20.
4. The number of NET housing completions in Welham Green and Hatfield South Ward for the period 2019/20.
5. The number of NET affordable housing completions in Welham Green and Hatfield South Ward for the period 2019/20.

**Right to Buy**

6. The number of social rented dwellings lost in the Welwyn Hatfield Council region basis for the period 2019/20:
  - a. Right to Buy;
  - b. Preserved Right to Buy; and
  - c. Voluntary Right to Buy
7. The number of Right to Buy replacements funded by receipts from Right to Buy sales in the Welwyn Hatfield Council region for the period 2019/20.
8. The number of social rented dwellings lost in the Welham Green and Hatfield South Ward for the period 2019/20:
  - a. Right to Buy;
  - b. Preserved Right to Buy; and
  - c. Voluntary Right to Buy

9. The number of Right to Buy replacements funded by receipts from Right to Buy sales in the Welham Green and Hatfield South Ward for the period 2019/20.

I look forward to hearing from you. If there are any issues with providing any of the data then please get in touch.

Kind regards

**Annie Hamilton Gingell BSc (Hons) MSc**  
**Senior Planner**  
TETLOW KING PLANNING  
Please read our statement on COVID-19 [here](#)



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**T:** 0117 9561916 **M:** 07517106114 **W:** [tetlow-king.co.uk](http://tetlow-king.co.uk)

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## Elaine Elstone

---

**From:** James Stacey  
**Sent:** 02 March 2021 11:44  
**To:** Oliver Marigold  
**Subject:** Fwd: Information Request 7567  
**Attachments:** Freedom Of Information Complaint Procedure - July 2018.pdf

**James Stacey BA (Hons) Dip TP MRTPI**  
**Senior Director**  
TETLOW KING PLANNING

---

[Unit 2, Eclipse Office Park, High Street, Staple Hill,  
Bristol, BS16 5EL](#)

**T:** [0117 9561916](tel:01179561916) **M:** [07852 919089](tel:07852919089)

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Begin forwarded message:

**From:** Annie Gingell <[Annie.Gingell@tetlow-king.co.uk](mailto:Annie.Gingell@tetlow-king.co.uk)>  
**Date:** 2 March 2021 at 11:38:08 am GMT  
**To:** James Stacey <[james.stacey@tetlow-king.co.uk](mailto:james.stacey@tetlow-king.co.uk)>  
**Subject:** **FW: Information Request 7567**

Hi James – is this one of your jobs? Gina

---

**From:** Jasmine McCabe <[j.mccabe@welhat.gov.uk](mailto:j.mccabe@welhat.gov.uk)>  
**Sent:** 02 March 2021 09:43  
**To:** Annie Gingell <[Annie.Gingell@tetlow-king.co.uk](mailto:Annie.Gingell@tetlow-king.co.uk)>  
**Subject:** Information Request 7567

**Classification:** Unrestricted

Dear Annie,

**Freedom of Information Request (ref: 7567)**

I am now writing in response to your request for information to Welwyn Hatfield Borough Council (WHBC) dated 02/02/21

You asked questions relating to Housing Register, Housing Completions, Right to Buy Scheme. Please see our answers below.

Below are the changes made to our housing allocations policy since 2011. Our current policy can be found on our website at: <https://www.welhat.gov.uk/policies/housing-allocations/tenancy-types>

On 29<sup>th</sup> January 2013 the following changes were made to our housing allocations policy:

**Rules setting out who can join the waiting list**

Previous Position	change
Anyone aged 16 years or more, regardless of whether they have a 'local connection' can join the waiting list	Only applicants with a 'local connection' can join the list. A local connection means either living or working in the borough or to have close family members living in the borough
Anyone aged 16 years or more, regardless of their housing need, can join the waiting list	Only applicants with a recognised housing need can join the waiting list. An exception will be made for applicants aged 60 or more, who will still be able to join the list
No special rules for former armed forces personnel	To consider where a former member of the Armed Forces lived <b>before</b> they signed up for service, when deciding if they have a local connection.

**In addition the localism act also introduced the right to move and so this group of people were removed from having to have a local connection in our policy**

- Any household who is accepted as having a 'Right to Move' from social housing in another Local authority area.

**Rules setting out what 'priority' applicants are given**

Previous Position	Changes
There are no special rules for former armed forces personnel	Former armed forces personnel, who have been honourably discharged and have a very high housing need are given extra priority
Current tenants who live in flats with children are given extra priority	No extra priority is given to tenants who live in flats with children. This would apply to new applicants only.
No extra priority is given to tenants of council and housing association homes who live in a property with one more bedroom than they need (this is called "under occupying")	Tenants of council and housing association homes who under occupy their property by one bedroom will be placed in Band B
No extra priority is given to tenants who wish to move into older person's housing	To place tenants who wish to move from a general needs property to older person's housing in Band B for a limited period.

The allocations policy was reviewed again and the changes below came into effect on 29<sup>th</sup> January 2018.

## Rules setting out who can join the Housing Needs Register

Previous Position	As from 29/1/2018
Home owners over the age of 60 can join the HNR	No longer allow home owners on the HNR unless in financial hardship
Employment in the Borough for 12 months + (16hrs pw on permanent contract) gives a local connection	Minimum period of permanent employment in the Borough 5 years (16hrs pw on permanent contract) gives a local connection

## Rules setting out what 'priority' applicants are given

Previous Position	As from 29/1/18
Once maternity certificate (MATB1) received, additional priority and bedroom entitlement awarded	Additional priority and bedroom entitlement awarded once child's birth certificate received
If applicant has access to children, they can queue for two bedroom family accommodation above the 3 <sup>rd</sup> floor	Single person or couple, with access to children, can only queue for bedsits or one bedroom properties
If an applicant is living in unsanitary conditions, they are placed in Band A	Remove this priority and assess under homeless legislation
Tenants in breach of their tenancy agreement (through rent arrears or anti- social behaviour) are able to register and bid to move to alternative accommodation	Do not allow those with current arrears or current tenancy breach to register on HNR.

Previous Position	As from 29/1/18
Former tenants with a housing need who have a debt outstanding to the Council are able to register and bid for alternative accommodation.	Only allow those onto the HNR who meet the levels of repayment set in the Councils Former Tenant Arrears Policy
Tenants living in sheltered schemes which are being decommissioned (that is changed from sheltered to general needs accommodation) are not given any priority	Give these tenants Band B priority.

The allocations policy was reviewed and the changes below came into effect on 8<sup>th</sup> June 2020.

### **Proposed Amendments to the Housing Allocation Policy**

Current Position
Homeless applicants (including those rough sleeping) are placed in Band D
Pregnant tenants of high rise flats are not accepted onto the HNR until the baby is born
Those living in unaffordable accommodation are not accepted onto the HNR
Tenants who are living in properties with <b>significant</b> adaptations that they no longer need are awarded Band C
Tenants who are registered on the HNR who are served with a Notice of Seeking Possession due to a breach of tenancy are placed in pending
Applicants who receive priority due to being a 'separated family' or 'homeless at home' are able to receive more than one offer

Applicants to whom we have accepted a 'full housing duty' can bid for 6 weeks without their bids being monitored

Currently applicants in the highest Band on a shortlist who have medical priority for ground floor accommodation are given priority

Homeless applicants without a local connection are not accepted on to the Housing Needs Register unless we accept a full duty to them

### **Current Position**

Applicants over the age of 60 can queue for two bedroom sheltered accommodation regardless of the need for a second bedroom

Applicants who are given notice to leave the Armed Forces (and their accommodation) are accepted onto the HNR and given a date in Band of the date they applied.

Another change was that we started to give 'reasonable preference' to homeless applicants. This meant that anyone who has an open case with our options team, for prevention or relief of their homelessness, can now join the housing needs register, even if they don't have a local connection or have another factor which may have prevented them from joining the housing needs register before. They are placed in whatever band is reflected by their housing need. Once these duties end, if they are not given a full homelessness duty, the application is reviewed and may lead to cancellation if there is not local connection by then.

### **Housing Completions**

1. The number of NET housing completions in the Welwyn Hatfield Council region for the period 2019/20.

673 net completions

2. The number of NET affordable housing completions in the Welwyn Hatfield Council region for the period 2019/20.

69 net affordable completions

3. The number of NET housing completions in Welham Green and Hatfield South Ward for the period 2019/20.

18 net completions in Welham Green and Hatfield South  
(Note whilst this is a net figure for the year there were some losses from sites which completed in 2019/20 that took place and were recorded in 2017/18 and 2018/19).

4. The number of NET affordable housing completions in Welham Green and Hatfield South Ward for the period 2019/20.

16 net affordable completions in Welham Green and Hatfield South  
(Note whilst this is a net figure for the year there were some losses from sites which completed in 2019/20 that took place and were recorded in 2017/18 and 2018/19).

### **Right to Buy**

1. The number of social rented dwellings lost in the Welwyn Hatfield Council region basis for the period 2019/20:
  - a. Right to Buy; 50
  - b. Preserved Right to Buy; and 0
  - c. Voluntary Right to Buy 0



2. The number of Right to Buy replacements funded by receipts from Right to Buy sales in the Welwyn Hatfield Council region for the period 2019/20. **20**
3. The number of social rented dwellings lost in the Welham Green and Hatfield South Ward for the period 2019/20:
  - a. Right to Buy; **8**
  - b. Preserved Right to Buy; and **0**
  - c. Voluntary Right to Buy **0**
4. The number of Right to Buy replacements funded by receipts from Right to Buy sales in the Welham Green and Hatfield South Ward for the period 2019/20. **2**

I hope this response is helpful, and satisfies your request, but if you have any queries or concerns then please contact me at [freedom@welhat.gov.uk](mailto:freedom@welhat.gov.uk)

I attach a copy of the Freedom of Information complaint procedure.

Further information is also available from the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Telephone: 01625 545 700  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Regards,  
**Jasmine McCabe**  
**Information Governance Apprentice**

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**WELWYN HATFIELD BOROUGH COUNCIL**

**FREEDOM OF INFORMATION and ENVIRONMENTAL INFORMATION  
REGULATIONS REQUESTS  
APPEAL/COMPLAINT PROCEDURE**

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2. On receipt of your appeal/complaint, the Freedom of Information Officer will arrange for the appeal/complaint to be considered by a Panel consisting of two members of the Council's Corporate Management Team.
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4. You will be given written notice of the decision of the Panel, which will set out the reason for its decision.
5. You will also be reminded of your right of appeal to the Information Commissioner if you remain dissatisfied with the outcome. The Information Commissioner is currently Elizabeth Denham and her contact details are:

Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire  
SK9 5AF  
Telephone: 01625 545700  
Email: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)

6. The Freedom of Information Officer will keep a record of all appeals/complaints received and their outcome and will make changes to the way the Council determines and/or deals with requests for information if this becomes necessary as a result of decisions on appeals/complaints.

Review Date: July 2018 Next Review Date: July 2020

## Appendix JS3

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Extracts from Planning Practice Guidance (March 2014,  
Ongoing Updates)



## Extracts from Planning Practice Guidance

\*as of 04/10/2019

Section	Paragraph	Commentary
Housing and Economic Needs Assessment	006 Reference ID: 2a-006-20190220	<p>This section sets out that assessments of housing need should include considerations of and be adjusted to address affordability.</p> <p>This paragraph sets out that <i>“an affordability adjustment is applied as household growth on its own is insufficient as an indicators or future housing need.”</i></p> <p>This is because:</p> <ul style="list-style-type: none"> <li>• <i>“Household formation is constrained to the supply of available properties – new households cannot form if there is nowhere for them to live; and</i></li> <li>• <i>people may want to live in an area in which they do not reside currently, for example to be near to work, but be unable to find appropriate accommodation that they can afford.”</i></li> </ul>
Housing and Economic Needs Assessment	018 Reference ID 2a-01820190220	Sets out that <i>“all households whose needs are not met by the market can be considered in affordable housing need. The definition of affordable housing is set out in Annex 2 of the National Planning Policy Framework”</i> .
Housing and Economic Needs Assessment	019 Reference ID 2a-01920190220	States that <i>“strategic policy making authorities will need to estimate the current number of households and projected number of households who lack their own housing or who cannot afford to meet their housing needs in the market. This should involve working with colleagues in their relevant authority (e.g. housing, health and social care departments).</i>
Housing and Economic Needs Assessment	020 Reference ID 2a-02020190220	<p>The paragraph sets out that in order to calculate gross need for affordable housing, <i>“strategic policy-making authorities can establish the unmet (gross) need for affordable housing by assessing past trends and current estimates of:</i></p> <ul style="list-style-type: none"> <li>• <i>the number of homeless households;</i></li> <li>• <i>the number of those in priority need who are currently housed in temporary accommodation;</i></li> <li>• <i>the number of households in over-crowded housing;</i></li> <li>• <i>the number of concealed households;</i></li> <li>• <i>the number of existing affordable housing tenants in need (i.e. householders currently housed in unsuitable dwellings); and</i></li> <li>• <i>the number of households from other tenures in need and those that cannot afford their own homes, either to rent, or to own, where that is their aspiration.”</i></li> </ul>

Section	Paragraph	Commentary
Housing and Economic Needs Assessment	024 Reference ID 2a-02420190220	<p>The paragraph states that <i>“the total need for affordable housing will need to be converted into annual flows by calculating the total net need (subtract total available stock from total gross need) and converting total net need into an annual flow based on the plan period”</i>.</p> <p>It also details that:</p> <p><i>“An increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes.”</i></p>
Housing Supply and Delivery	031 Reference ID: 68-031-20190722	<p>With regard to how past shortfalls in housing completions against planned requirements should be addressed, the paragraph states:</p> <p><i>“The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgefield approach)”</i></p>

# Appendix JS4

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## The National Housing Crisis



# The National Housing Crisis

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- 4.1 There is incontrovertible evidence that there is a national housing crisis in the UK affecting many millions of people, who are unable to access suitable accommodation to meet their housing needs. This section highlights some of this evidence and the Government's response to grappling with this issue.

## **Laying the Foundations – A Housing Strategy for England (November 2011)**

- 4.2 Laying the Foundations: A Housing Strategy for England was published on 21 November 2011. The foreword by the former Prime Minister and former Deputy Prime Minister set out the former Coalition Government's intention to unblock the housing market and tackle the social and economic consequences of the failure to develop sufficient high-quality homes over recent decades.
- 4.3 The Executive Summary signed off by both the then Secretary of State for Communities and Local Government and the then Minister for Housing and Local Government included the following:
- A thriving active but stable housing market that offers choice, flexibility and affordable housing is stated as being critical to our economic and social wellbeing;
  - *'The problems we face are stark'* and have been compounded by the impact of the credit crunch;
  - *'Urgent action to build new homes'* is necessary as children will grow up without the opportunities to live near their family and older people will not have the choice and support, they need;
  - *'Housing is crucial for our social mobility, health and wellbeing'*;
  - *'Housing is inextricably linked to the wider health of the economy'*; and
  - Fundamental to the whole approach of the strategy is communities (including prospective owners and tenants), landlords and developers working together.

## **Priced Out: Affordable Housing in England (November 2017)**

- 4.4 The Institute for Public Policy Research (IPPR) identified that affordable housing delivery continued to fall well behind the required level of need. In this study, the IPPR



provided an overview of current affordability challenges across England, alongside a set of recommendations to increase affordable housing delivery.

- 4.5 The report found that in 67% of local authorities across England, insufficient homes were built to meet demand in 2015/16. In addition, house prices have risen by 76% since 1995, far outstripping inflation and as a result are out of reach to many on average incomes.
- 4.6 It also highlighted that the nature of affordable housing has changed in recent years. The range of available products has increased with these products becoming increasingly divorced from earnings and linked to market prices or rents.
- 4.7 Many affordable housing models are out of the reach of single people. Whilst dual earning couples, even those with lower quartile earnings, can afford most models in most areas, when income is diminished by the removal of a full-time earner as in the case of couples with a child, a much larger range of models become out of reach, particularly for those on lower incomes.

#### **Government Post-EU Referendum**

- 4.8 The government which formed after the Brexit vote continued to pursue the issue of increased housebuilding. In commenting upon the increase on the number of new homes built and started in June 2016 the-then Communities Secretary Sajid Javid said:

*“We’ve got the country building again with more new homes started and built than this time last year...”*

*...This is real progress but there is much more to do. That’s why we are going further and increasing our investment in house building to ensure many more people can benefit.”*

- 4.9 In terms of continued support for home ownership the then Housing and Planning Minister Gavin Barwell said in response to the English Housing Survey (released 21 July 2016):

*“We are determined to ensure that anyone who works hard and aspires to own their own home has the opportunity to do so...”*

*Since 2010 over 300,000 households have been helped into home ownership through government-backed schemes...*

*The ground-breaking Housing and Planning Act will allow us to go even further delivering our ambition to build an additional one million homes.”*

- 4.10 This suggests that successive governments are continuing with their earlier aspirations and policies regarding housebuilding and homeownership.

**House of Commons Briefing Paper: Tackling the under-supply of Housing (12 December 2018)**

- 4.11 The Paper provided an analysis of evidence in relation to how much housing the UK needs, trends in UK housing supply, barriers and solutions to supply in England and additional responses to the Housing White Paper.
- 4.12 The Briefing Paper set out that *“according to DCLG’s projections, the number of households in England is expected to grow from 22.7 million in 2014 to 28.0 million in 2039. This is an average increase of around 210,000 households per year.”*
- 4.13 It stated that *“in 2015/16, the total housing stock in England increased by around 190,000 residential dwellings: 12% higher than the previous year’s increase but a long way short of the estimated 240-250,000 new homes needed to keep pace with household formation”* (my emphasis).
- 4.14 The Paper went on to identify that *“the new supply of social housing has not kept pace with growth in other sectors; in the long term, it has generally been lower than the amount lost through sales and demolitions”* (my emphasis).

**Former Secretary of State for Housing, Communities and Local Government Speech to Local Government Association Conference (July 2017)**

- 4.15 At the beginning of July 2017 the then Secretary of State for Housing, Communities and Local Government, Sajid Javid, addressed the conference reflecting on *“what has gone wrong in local government”* and outlining what the national and local governments need to do to address the nationwide housing crisis.
- 4.16 On housing, Mr Javid stated that *“there’s a serious shortage of decent, affordable housing in this country”*. He added *“since the 1970s – under Wilson, Callaghan, Thatcher, Major, Blair, Brown, Cameron and now May – we’ve supplied an average of 160,000 new homes each year. That’s far below what’s needed, and that failure of supply to keep up with demand has led to predictable results”*.
- 4.17 Mr Javid summarised the issue, by outlining that *“the simple fact is that to put this right we need to build more homes that people want to live in, in places people want to live”*.

### **Former Prime Minister's Speech (15 November 2017)**

- 4.18 In November 2017, former Prime Minister Theresa May delivered a speech in which she made it her 'mission' to speed up the delivery of more homes.
- 4.19 Mrs May announced that *"for decades we simply have not been building enough homes, nor have we been building them quickly enough, and we have seen prices rise"*. Whilst *"the number of new homes being delivered each year has been increasing since 2010"* and acknowledged that *"there is more we can do"*.
- 4.20 She stated that *"we must get back into the business of building the good quality new homes for people who need them most"* and *"that is why I have made it my mission to build the homes the country needs and take personal charge of the Government's response"*.
- 4.21 The former Prime Minister added that *"today I am seeing the work now underway to put this right and, in coming weeks and months, my Government will be going further to ensure that we build more homes, more quickly"*.
- 4.22 In concluding, Theresa May stated that *"this will be a long journey and it will take time for us to fix the broken housing market - but I am determined to build a Britain fit for the future"*.

### **Former Secretary of State for Housing, Communities and Local Government Speech on the Housing Market (16 November 2017)**

- 4.23 The day after the former Prime Minister pledged her commitment to providing more homes, former Communities Secretary Sajid Javid delivered a speech setting out his blueprint for boosting housing provision.
- 4.24 Mr Javid announced that following the publication of official figures, there was an additional 217,000 new homes (net) which were delivered during the 2016/17 financial year. He added that this was the *"first time in almost a decade that the 200,000 milestone had been reached"*.
- 4.25 However, Mr Javid acknowledged that *"it is painfully obvious that there remains much, much more to be done"*, and that *"fixing the broken housing market will require a much larger effort"*.
- 4.26 He set out that *"even today, I still hear from those who say that there isn't a problem with housing in this country. That we don't need to build more. That affordability is only a problem for Millennials that spend too much on nights out and smashed avocados."*

*It's nonsense...where once it would have taken an average couple 3 years to save for a deposit – it will now take a quarter of a century. Assuming of course they could save at all”.*

- 4.27 Mr Javid compared the position of a first-time buyer in London saying a deposit of more than £90,000 was needed and lamented *“that’s a lot of avocados.”*
- 4.28 The former Communities Secretary stated that *“without affordable, secure, safe housing we risk creating a rootless generation, drifting from one short-term tenancy to the next, never staying long enough to play a real role in their community”.*

#### **Former Prime Minister’s Speech to the National Housing Federation Summit (September 2018)**

- 4.29 There is continued acknowledgment from the-then Prime Minister that the housing market is broken with the importance of more indistinguishable, high quality affordable homes being a crucial to resolving the housing crisis, with housing associations being at the forefront of increased affordable housing delivery.
- 4.30 In her speech to the National Housing Federation (**CD9.12**), Theresa May spoke to housing leaders about tackling *“what remains one of the greatest challenges of our time” and how she has made it her “personal mission to fix our broken housing system”.*
- 4.31 The former Prime Minister set out that one of the Government’s priorities is:  
  
*“doing all we can to get more of the right homes built in the right places, so we can help more people onto the housing ladder – and ensure that those who cannot afford to own their own home also have a decent place to live”.*
- 4.32 She went on to make clear that:  
  
*“the housing crisis we face today did not come about overnight. It is the result of decades of neglect. Year after year in which housebuilding of all kinds fell even as demand rose. So, while the steps we are taking are already making a real and lasting difference to millions of lives, we should not pretend that our broken housing system can be fixed at the flick of a switch.”*

#### **Centre for Policy Studies Press Release (January 2019)**

- 4.33 The press release outlines new analysis indicating that the 2010s will see housebuilding figures in England come in below any decade since the Second World War which is part of a 50-year pattern in which each decade has seen fewer new homes built than the last.

- 4.34 It stated that despite the Government's recent efforts to boost construction, new-build housing completions in England between 2010 and 2019 are set to be approximately 130,000 per year - well below the 147,000 of the 2000s or 150,000 of the 1990s, and half of the level in the 1960s and 1970.
- 4.35 It goes on to say the picture becomes even worse when you factor in population size. In the 1960s, the new-build construction rate in England was roughly the equivalent of one home for every 14 people over the decade. In the 2010s, that ratio was one to 43, more than three times higher.

#### **Building for Our Future: A Vision for Social Housing (January 2019)**

- 4.36 The report produced by Shelter states three million homes must be built in England over 20 years to solve the housing crisis. It advises 1.2 million homes are needed for younger families who cannot afford to buy and face a lifetime in expensive and insecure private renting.
- 4.37 The research estimates 277,000 people are homeless in England, most commonly because they have lost their privately rented homes. The report indicates that upfront costs of £11bn a year could come from housing benefit savings by moving tenants from privately rented homes to social housing.
- 4.38 It also claims that schemes such as Help-to-Buy are a less effective use of taxpayers' money. It reports that 59% of people who used Help to Buy said they could have afforded the same or a similar property without using the scheme, meaning that only 24,000 households have been able to get into home ownership because of Help to Buy.

#### **Bleak Houses: Tackling the Crisis of Family Homelessness in England (August 2019)**

- 4.39 The report was produced by the Children's Commissioner to investigate the impact of homelessness and in particular the effect of this upon children.
- 4.40 It identifies that family homelessness in England today is primarily a result of structural factors, including the lack of affordable housing and recent welfare reforms. It states that the social housing sector has been in decline for many years and that between the early 1980s and early 2010s, the proportion of Britons living in social housing halved, as a result of losses to stock through the Right to Buy and a drop in the amount of social housing being built.

- 4.41 The research found that the decline in social housing has forced many households, including families, into the private rented sector. High rents are a major problem: between 2011 and 2017 rents in England grew 60% quicker than wages. It states that *“Simply put, many families cannot afford their rent. It is telling that over half of homeless families in England are in work”*.
- 4.42 The report particularly focused on the effect on children. In particular the report reveals that many families face the problem of poor temporary accommodation and no choice but to move out of their local area, which can have a *“deeply disruptive impact on family life”*. This can include lack of support (from grandparents for example) and travel costs.
- 4.43 It finds that a child’s education can suffer, even if they stay in the same school, because poor quality accommodation makes it difficult to do homework and that younger children’s educational development can also be delayed.
- 4.44 Temporary accommodation also prevents serious risks to children’s health, wellbeing and safety, particularly families in B&Bs where they are often forced to share facilities with adults engaged in crime, anti-social behaviour or those with substance abuse issues.
- 4.45 Other effects include lack of space to play (particularly in cramped B&Bs where one family shares a room) and a lack of security and stability. The report found (page 12) that denying children their right to adequate housing has a *“significant impact on many aspects of their lives”*.

#### **House of Commons Debate on a Motion on the British Housebuilding Industry (August 2019)**

- 4.46 The debate pack was produced by the House of Commons Library in August 2019 in advance of a debate on the British housebuilding industry in September 2019.
- 4.47 The report noted at paragraph 1.2 that there were 83,700 homeless households living in temporary accommodation in England at the end of December 2018, a 74% increase compared with December 2010.
- 4.48 Furthermore, the number of people sleeping rough in England on any given night in Autumn 2018 was 4,677 people, 165% higher than in 2010.
- 4.49 In the debate itself, it resolved at Column 465, 4.59pm, that:  
  
*“This House notes with concern the ongoing shortage of housing and the housing crisis across England; further notes with concern the number of families in temporary*

*accommodation and the number of people rough sleeping; [and] acknowledges that there are over one million households on housing waiting lists...*

- 4.50 It concluded that it *“calls on the Government to tackle the housing crisis as an urgent priority”* (my emphasis).

#### **Housing Minister’s speech to the RESI Convention 2019 (September 2019)**

- 4.51 Following her appointment as Housing Minister on 24 July 2019 (**CD9.11**), Esther McVey spoke at the RESI Convention claiming that the shortage of housing in the UK is possibly the largest scandal to hit the country in the past 30 years.

- 4.52 Ms McVey acknowledged that the housing crisis has led *“to a rise in renting and costs, and to a fall in home ownership which has destroyed the aspiration of a generation of working people.”*

- 4.53 Continuing to talk on the subject of affordability, the Housing Minister stated that:  
*“Since the mid-1990s, house prices have risen to 8 times, 10 times, 12 times, in some of the most expensive parts of this country<sup>44</sup> times the actual income of someone, that cannot be right.”*

- 4.54 Ms McVey detailed that *“too many people feel that vital link between hard-work and owning their own home is broken. And when that link is severed, social mobility and opportunity falls away.”*

#### **National Housing Federation Research (September 2019)**

- 4.55 The National Housing Federation (NHF) published new research on the state of the housing crisis which found that 8.4 million people across England are directly affected by the housing crisis, which amounts to one in seven people.

- 4.56 The NHF report that people are affected in a variety of ways, including:

- Living in overcrowded homes;
- Living with ex-partners or parents;
- Living in unsuitable homes, such as homes that are not suitable for people with mobility issues; and
- People who are homeless or at risk of homelessness.

- 4.57 Of these 8.4 million, around half, some 43% or 3.6 million, would need a social rented home to meet their needs.



- 4.58 Commenting on the NHF's report the Local Government Association said that the Government "*should now go further and devolve Right to Buy so that councils retain 100 per cent of their receipts to reinvest*".

#### **Conservative Party Manifesto (December 2019)**

- 4.59 The Conservative Party Manifesto for the December 2019 election reports at page 29 that "*the biggest problem that young people face in getting on the housing ladder is the deposit*." It commits to ensure that the Government will "*offer more homes to local families*"
- 4.60 At page 30 of the Manifesto it states that "*home ownership is one of the most fundamental Conservative values. People are happier, more secure and more rooted in their communities when they own their own home – and know that they can pass it on to future generations*". It goes on to set out that "*young people need the security of knowing that home ownership is within their reach – that they too can have a tangible stake in society, can be rooted in their communities and have a place to raise a family*".
- 4.61 The Manifesto (page 30) details that "*while we want to encourage as many people as possible into home ownership, we recognise that not everyone can afford their own home – and that those in social housing deserve the same dignity, respect and fair treatment as private renters*". It commits to bring forward a Social Housing White Paper to "*support the continued supply of social housing*" and commits to "*end the blight of rough sleeping by the end of the next parliament*".
- 4.62 Under the heading of 'places we want to live in' at page 31, the Manifesto explains that despite increased housebuilding since 2010 "*it still isn't enough. That is why we will continue our progress towards our target of 300,000 homes a year by the mid-2020s. This will see us build at least a million more homes, of all tenures over the next Parliament*".

#### **BBC Housing Briefing (February 2020)**

- 4.63 The BBC Housing Briefing summarises a range of secondary data and case studies relating to the scale of housing need, quality, availability, and tenure. Sections 1 to 4 cover the broad context and issues; sections 5 to 7 consider the role of the public and private sectors in housing provision; and sections 8 to 10 cover policy mechanisms to address housing issues. The Briefing is prepared at the national level and sets out the overall 'picture' in respect of housing matters.



- 4.64 The Briefing was the topic of several news stories on the BBC Website and was widely promoted on the day of its publication, including through radio phone-ins, television news items, and the Bitesize revision service for teenagers.
- 4.65 The BBC states that the Housing Briefing was prepared in order to address public demand for *“more transparency and better explanation of the facts behind the headlines”*. The acknowledgements include Dame Kate Barker who undertook a review of the housing market in 2004, and Toby Lloyd, the former policy director of Shelter.
- 4.66 Section 8 of the Briefing refers to the scale of the housing shortfall that has amassed in recent years. It highlights at page 134 the work undertaken by Dame Kate Barker in 2004, the KPMG/Shelter study of 2014; the joint study between Heriott Watt University, Crisis and the National Housing Federation in 2018/9; all of which are referenced at Section 4 of this Proof of Evidence.
- 4.67 The Briefing contains case studies throughout which highlight the impact of the housing crisis on real people and households. These include the numerous case studies at pages 33, 40, 66, 69, 84, and 125 which include those in desperate need, facing homelessness or temporary accommodation, and those trapped in rented housing unable to afford to purchase.
- 4.68 The Briefing also refers to the serious impact of family homelessness upon children at page 34 and the work undertaken by the Children’s Commissioner, which I have reviewed at paragraphs 3.49 to 3.55 of this section.

### **Spring Budget 2020 (March 2020)**

- 4.69 The Spring Budget 2020 was presented by the Chancellor of the Exchequer, Rishi Sunak, to Parliament on 11 March, setting out an ambitious package of investment plans in the first Budget since the UK’s departure from the European Union (EU).
- 4.70 Speaking on housing, the Chancellor stated the following:
- “Everyone should be able to access a safe and affordable home. Increasing housing supply is essential to creating a fairer, more affordable housing market and boosting productivity across the country”.*
- 4.71 The Chancellor continued to explain in further detail the demand for more housing in the UK, concluding his points by confirming that *“the government has committed to creating at least 1 million new homes in England by the end of this Parliament and an average of 300,000 homes a year by the mid-2020s.”*

- 4.72 The Chancellor also confirmed that the Government will be investing a further £9.5 billion into the Affordable Homes Programme, raising the level of investment to £12.2 billion of grant funding from 2021-22 to support the creation of affordable homes across England.

#### **‘Planning for the Future’ Policy Paper (March 2020)**

- 4.73 On 12 March 2020, and as trailed in the Budget the previous day, the Government published a policy paper titled ‘Planning for the Future’. It provides a summary of the reforms the Government expects to explore in more detail in the forthcoming Planning White Paper, expected later in 2020.
- 4.74 The introductory paragraphs emphasise the Government’s intention to boost homeownership, noting at paragraph 2 *that “for many who are still trapped paying high rents and struggling to save for a deposit, home ownership seems like a dream which is increasingly out of reach”*. The paper also clearly recognises the importance of providing for those who are not homeowners. Paragraph 4 states *that “We must ensure security for those who do not own their homes”* and that *“We also need to prevent people from falling into homelessness by building more affordable homes and ensure that those living in social housing are treated with the dignity and respect they deserve”*.
- 4.75 Relevant measures proposed in the policy paper include those to help first time buyers onto the property ladder (paragraph 14), through the proposed First Homes scheme, work to deliver long-term fixed rate mortgages, and a new Shared Ownership model. Paragraph 17 goes further in respect of affordable housing, noting that *“We [the Government] are committed to improving access to safe and high-quality housing, improving affordability...”* and proposed measures include a renewed financial commitment to affordable housing and a package of measures to protect social and private sector renters. Paragraphs 18 to 20 explain that, in order to inform the Planning White Paper the Government will review the housing market and planning system and will consider, amongst other related matters, *“how to ensure affordable, quality, safe housing”*.

#### **Affordable Housing Commission Report (March 2020)**

- 4.76 The Affordable Housing Commission (AHC) is an independent, non-partisan group comprising fifteen experts drawn from the public, private and voluntary sectors. Its extensive full report was released in late March 2020 and examines a wide range of issues relating to the housing affordability crisis, with data from a wide range of

sources. The AHC report examines the approach taken to affordable housing through the planning system; the definition of an 'affordable' rent; the challenges facing households in housing stress; and other measures including the approach taken to public investment and taxation.

- 4.77 The AHC report paints a bleak picture of housing affordability at present. It makes the simple proposition that *"Something has gone fundamentally wrong with the housing system and what it offers local people"*. The effects of this are serious and wide-ranging. The AHC notes that:

*"Housing stress is impoverishing families and young and old struggling renters, creating debts and arrears, harming health and well-being, and limiting life chances and aspiration. There are wider negative effects too – on the economy and productivity, on wealth inequality and poverty – resulting in more public expenditure subsidising rents and healthcare and tackling homelessness"*.

- 4.78 The AHC concludes that the root cause of the current affordability crisis is a clear shift in the structure of the housing market over the last 20 years. The AHC note that social rented sector has contracted, with low rates of new supply and extensive losses through the Right to Buy. By contrast, the AHC notes that the private rented sector has expanded significantly, even though it is ill-equipped to provide for those groups in greatest housing need.

- 4.79 The AHC is clear that the housing crisis is of such a scale that it will take many years to resolve. Its first recommendation is that that the Government commits to ensure all households have access to affordable housing by 2045 so that the next generation does not face the same kind of hardships as the current.

- 4.80 Its package of 53 recommendations seek to substantially boost the role of the social rented sector, whilst also helping a sizeable cohort of households termed 'frustrated first time buyers' into homeownership. Key recommendations for planning include recommendation 5 to address the supply of affordable housing, namely that *"the government seeks a step change in affordable housing supply in line with the latest assessments of housing need. On current best evidence, this would equate to an increase to about 90,000 social rented homes a year (forming part of the government's overall housing target of 300,000 homes a year)"*. Recommendation 43 notes the important role that Local Planning Authorities must play in this, and states that:

*"The Commission recommends that the preparation of local plans be made an enforceable statutory duty to ensure that all councils are delivering on their housing*

*plans and targets. Local and city-region plans must be based on accurate housing needs assessment – including numbers of concealed households – which should be updated regularly”.*

- 4.81 Recommendation 16 addresses the impact of Right to Buy and proposes reforms to the system. It states that:

*“The Commission recognises that the Right to Buy remains a popular scheme. However, it is undermining efforts to address affordability, reducing numbers of relets at lower rents and moving properties from social renting to the PRS. Accordingly, the Commission recommends that the RTB is radically overhauled, including giving councils and housing associations discretion over the level of discount they offer, complete control over receipts and the opportunity to restrict any letting by a purchaser (e.g. requiring consent for letting the property)”.*

#### **Shelter/Savills - Social Housing & Britain’s Housebuilding Recovery (June 2020)**

- 4.82 Analysis undertaken by Shelter and Savills in June 2020 identifies a range of scenarios for housebuilding recovery following the significant impact Covid-19 has had for the housebuilding industry and the wider economy in 2020.
- 4.83 The scenarios anticipate that between 125,000 and 318,000 fewer new dwellings will be delivered in the five years 2020-2025 as a result of Covid-19, equating to a 9-23% drop in delivery.
- 4.84 Of these, between 25,000 and 66,000 fewer affordable homes will be delivered (an 8-21% drop in delivery). Of these scenarios, the ‘best case’ assumes a rapid economic recovery (e.g. in light of medical advances) and the worst case assumes deeper and longer economic difficulties.
- 4.85 Shelter recommends boosting social housing provision in order to support overall housing output, with social housing demand being counter-cyclical to the prevailing wider economy.

#### **Housing, Communities and Local Government Committee: Building more social Housing, Third Report of Session 2019–21**

- 4.86 The Housing, Communities and Local Government Committee held an inquiry in 2020 into the delivery of social housing, building upon work undertaken in 2018 by its predecessor committee. The inquiry sought to investigate matters relating to the long-term delivery of social and affordable rented homes in England.

- 4.87 The Committee identified several matters of concern relating to the state of the housing market and the availability of affordable housing. Drawing in evidence from housing associations, charitable bodies and local authorities, the Committee noted the research by Shelter that some 500,000 households are homeless or not living in satisfactory housing; some 1 in 9 children live in overcrowded homes, and that use of Temporary Accommodation has risen by 82% since 2010. It also noted the increasing rates of poverty observed in the private rented sector, and the Committee supported the Affordable Housing Commission's finding that where housing costs more than one third of household incomes then serious issues such as arrears and debts become prevalent.
- 4.88 In terms of the annual need for affordable homes, the Committee considered evidence from a number of sources and was supportive of the work by the National Housing Federation in 2018 which identifies an annually-arising need for around 90,000 social rented homes, 30,000 affordable rented homes, and 25,000 shared ownership homes. The Committee noted that although local authority housing registers had declined this was largely attributable to the provisions of the Localism Act 2011 which allowed councils to apply additional eligibility criteria.
- 4.89 The Committee was critical of the impact of Right to Buy losses upon the overall affordable housing stock which resulted in a significant depletion of the affordable housing stock – falling from 5.49 million dwellings in 1981 to 4.13 million dwellings in 2019. The Committee noted that the Government's aim of a one-for-one replacement was not being achieved and that restrictions on the spending of receipts limited the ability of councils to replace lost stock.
- 4.90 The Committee has set out a package of recommendations which include improvements to the way housing statistics are collated and published, prioritising a social housebuilding programme, reforms to compulsory purchase rules, and reforms to the Right to Buy.

#### **White Paper: Planning for the Future (August 2020)**

- 4.91 On 6 August 2020, the Ministry of Housing, Communities and Government opened a 12-week public consultation on the long anticipated Planning for the Future White Paper. The Planning for the future consultation proposes reforms of the English planning system to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed.

- 4.92 In his foreword on page seven of the White Paper, the Prime Minister, Boris Johnson, highlights the importance of housing delivery, stating the following:

*‘And, above all, that gives the people of this country the homes we need in the places we want to live at prices we can afford, so that all of us are free to live where we can connect our talents with opportunity.*

*Getting homes built is always a controversial business. Any planning application, however modest, almost inevitably attracts objections and I am sure there will be those who say this paper represents too much change too fast, too much of a break from what has gone before.*

*But what we have now simply does not work.*

*So let’s do better. Let’s make the system work for all of us. Any let’s take big, bold steps so that we in this country can finally build homes we all need and the future we all want to see.’*

- 4.93 On page eight, in his foreword, the Secretary of State for Housing, Communities and Local Government, Robert Jenrick, declares:

*“These proposals will help us to build the homes our country needs, bridge the present generational divide and recreate an ownership society in which more people have the security and dignity of a home of their own.”*

**Speech by Secretary of State for Housing, Communities and Local Government to the Chartered Institute for Housing (September 2020)**

- 4.94 The Secretary of State, Robert Jenrick, gave a speech to the Chartered Institute of Housing (CIH) in September 2020 covering a range of issues including affordable housing.
- 4.95 The Secretary of State made clear the problems that the Covid-19 pandemic has caused for those less fortunate than most – those stuck in poor, cramped accommodation, struggling to pay the rent, or those – worst of all – who have no home of their own at all. For these people, Jenrick stated that the pandemic ‘has unquestionably been one of the darkest periods’.
- 4.96 Jenrick stated that ‘they deserve better’ and that, as we recover from the pandemic, the Government is absolutely determined to deliver the homes needed.
- 4.97 The Secretary of State recognised that there is ‘still a great deal more to do’ to help those trapped paying high rents who are ‘struggling to save for a deposit to enjoy

homeownership or even to enjoy the security and the dignity that comes with a secure home of their own, whether that be owned or rented’.

- 4.98 Jenrick stated specifically that ‘*Affordability remains a very big issue across the board*’ and that ‘*issues around affordability are higher than ever on our agenda*’.
- 4.99 The speech talked about the Government’s Affordable Homes Programme (AHP) announcement, which aims to deliver up to 180,000 affordable homes over five years from 2021 to 2026, right across the country. This is part of the Government’s commitment to ‘levelling up’ and ensuring that opportunities are available to people across the country.
- 4.100 Jenrick went on to say that ‘*whether we’re aiming to help more people onto the housing ladder, people who are renting or, crucially, who are homeless or sleeping rough, we will only succeed if we build more homes*’
- 4.101 The Secretary of State also highlighted the planning reforms that were set out at the beginning of the summer, which he stated will help to deliver even more affordable homes.
- 4.102 The Secretary of State for Housing, Communities and Local Government concluded that, to be on track to realise individual hopes and dreams, and to power the economy and social revival, requires ‘building more homes – affordable homes’, getting more people onto the housing ladder and ‘building where affordability is most challenging’.

#### **NHF – People in Housing Need (September 2020)**

- 4.103 In September 2020, the NHF (National Housing Federation) published an analysis of the scale and shape of housing need in England today.
- 4.104 On page 4, the report shows that ‘*nearly 8 million people in England have some form of housing need*’. Nearly 1.9 million households are hosting a ‘concealed’ household while 3.4 million people found to be living in overcrowded accommodation.
- 4.105 The report expresses concern that the number of people in need of social housing could rise rapidly as a result of the coronavirus crisis – with low-income earners roughly twice as likely to lose their jobs.
- 4.106 It finds (page 2) that ‘*Long-term investment in social housing is needed to tackle this problem and provide people with suitable homes they can afford*’.



- 4.107 The report describes how the number of people in need of social housing in England has now hit 3.8 million people. This equates to 1.6 million households – 500,000 more than the 1.16 million households recorded on official waiting lists.
- 4.108 The report provides a clear measurement of housing need, necessary because local housing registers (or waiting lists) have become inadequate following the introduction of the Localism Act in 2011.
- 4.109 It states (page 3) that *‘There is now no consistent set of criteria for allowing households to join a register’* and the data on these registers is not necessarily reviewed for accuracy on a regular basis. While local registers serve an important function, *‘they do not give the full picture of how many people are in need of a home’*, hence the reason for the NHF analysis.
- 4.110 The report identifies how *‘the housing crisis is not one crisis, but a series of interrelated and overlapping crises’* (page 3). These include affordability, the suitability, size and condition of homes, and the ability of people to find accommodation in the first place. Some people will experience one of these problems – others will experience many at once. The complicated picture of interrelated housing crises means there is a need for new, accurate and comprehensive research on housing need, the report finds.
- 4.111 It reveals that the number of people for whom social rent is the most appropriate tenure has increased since the previous iteration of the analysis. It states that *‘This suggests an intensifying of need at the ‘sharp end’ – things are getting worse for the worst off’* (page 5). This is reflected both in the growth in the numbers of people affected by affordability issues and in the growth in overcrowding.
- 4.112 The report continues that more than 3.4 million people were found to be living in overcrowded households, a 5% increase on the previous figures, and 2.7 million were found to have an affordability issue – up nearly 10%.
- 4.113 As might be expected, a significant proportion of these people are to be found within the social sector already. Overcrowding is a known issue in this sector, the report establishes. A shortage of larger homes can make finding a suitably sized home more difficult for families as a result of the sale of council housing and a decrease in government funding for building new social homes since 2010.
- 4.114 This is because larger, family homes are more expensive to build and therefore more difficult to build with less government funding. The ‘spare bedroom subsidy’ has also acted as an incentive for developers to build smaller homes. Given the freeze on working-age benefits (introduced in 2016 following the 2015 Budget), benefits



sometimes *'no longer cover even the cheapest forms of social housing rent'*, the report finds (page 6).

4.115 Meanwhile the analysis finds that nearly 1.9 million households are hosting a 'concealed' household, and that concealed households make up the third largest group of people affected, including nearly 1.8 million single people concealed within a total of nearly 1.5 million host households.

4.116 Across different tenures, when examining the proportions relative to the size of each tenure, the report finds that problems are more prevalent in the rented sectors, particularly the private rented sector, *'where more than a quarter of households have some form of housing need'* (page 6).

4.117 In addition, when the report looks at those households with needs for whom social rent is the most appropriate tenure, 18.8% of private renting households are in this position compared to 11.6% of social renters and just 1.3% of homeowner households.

4.118 Within the private rented sector, affordability, unsuitability and overcrowding are the most frequent issues. In particular, the wider measure of affordability (using an additional higher threshold) shows up highly, as does the measure of unsuitability for the age and health of the occupant.

#### **Speech by Secretary of State for Housing, Communities and Local Government to the Creating Communities Conference 2020 (September 2020)**

4.119 The Secretary of State, Robert Jenrick, reiterated the importance of affordability in a speech he gave to the Creating Communities Conference 2020.

4.120 In the speech, Jenrick made clear that *'We owe it to the next generation to radically reform the existing system, so we can offer them a future where our children and grandchildren can afford to own their own home.'*

#### **Speech by the Minister for Housing to the District Councils' Network (October 2020)**

4.121 The Housing Minister, Christopher Pincher, gave a speech to the District Councils' Network explaining why the Government is seeking reforms to the planning system. In explaining why the Government is considering a revised methodology for calculating housing need, Pincher noted the work of KPMG and Shelter, stating that *"Local plans do not provide for the ambition we have – 300,000 new homes each year – nor enough to meet the demands of organisations and such as KPMG and Shelter, both of which*

*say we need to be building north of 250,000 homes a year to deal with the housing challenges that we have”.*

- 4.122 Pincher also emphasised the need to address poor housing affordability, particularly that observed in the South and the South East. He explained that in calculating housing need under the Government’s proposed methodology, that *“Fundamentally the initial driver, the first driver of need, must be affordability because there are parts of our country, not just in the south and the south east, where the affordability is low and people who want and need to live in a certain place and work in that place cannot afford to do so”.*

#### **Minister of State for Housing Speech at Savills Annual Housing Seminar (24 November 2020)**

- 4.123 The Housing Minister, Christopher Pincher, gave a speech to Savills Annual Housing Seminar about the government’s strategy for housing.
- 4.124 The Minister made clear that the coronavirus pandemic only reinforced the need to double our efforts to build more quality homes with strong and sustainable communities, which are needed now *“more urgently than ever”.*
- 4.125 The Minister continued, that that means *“keeping up the pace on supply”* to make up for ground lost and that notwithstanding the emergency and the challenges to the economy the Government’s target of building 300,000 new homes of all types and tenures each year by the middle of this decade must be met, so that people can *“afford to buy or afford to rent the sorts of homes that they want to be able to provide them with the security and the opportunity that they want and need”.*

#### **Conclusions on the National Housing Crisis**

- 4.126 There is an ever-increasing wealth of evidence including from figures at the highest levels of Government that unaffordability and inability to get on the housing ladder is a significant problem.
- 4.127 What is also clear is that the messages from previous Governments have failed to ensure enough new homes, especially affordable homes, are being built.
- 4.128 The evidence is clear and, in my opinion, demonstrates the pressing requirement to build more homes to meet the significant level of unmet need, particularly for homes that are affordable.

4.129 Evidence suggests that failure to do so will present a risk to the future economic and social stability of the United Kingdom.

## Appendix JS5

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House of Commons debate (October 2013)



## Westminster Hall

Thursday 24 October 2013

[MR. DAI HAVARD *in the Chair*]

### BACKBENCH BUSINESS

#### Planning and Housing Supply

*Motion made, and Question proposed, That the sitting be now adjourned.—(John Penrose.)*

1.30 pm

**Mr Laurence Robertson** (Tewkesbury) (Con): I thank the Backbench Business Committee for granting this debate, which has been supported by a large number of concerned Members. In particular, I thank my right hon. Friend the Member for Arundel and South Downs (Nick Herbert) and the hon. Member for St Albans (Mrs Main) for sponsoring it along with me. There is concern among hon. Members and local planning authorities about apparent confusion in the Government's planning policies. I requested this debate because I want to consider planning, the countryside and housing projections, as well as related issues, such as the Government's professed preference for localism, as these matters are all interconnected.

Protecting the countryside was one of my main motivations for entering Parliament in the first place. As I represent the constituency of Tewkesbury, I am more sensitive than most to the need to avoid developing on or near flood risk areas. The terrible 2007 floods in Tewkesbury will never be forgotten by anyone who lived through them. I spend a lot of time trying to attract businesses, visitors and people in general to Tewkesbury, so I believe that a balance can be struck between allowing appropriate development and protecting our green belt, green fields and important open spaces, but I am not sure that we are striking that balance at the moment.

What do I mean by confusion in policy? The Government have said frequently, for example, that their policy is to preserve green-belt land, yet my local planning authorities—my constituency covers three—are telling me that the Government are pressuring them to provide for so many houses in their local plans or joint core strategies that it will inevitably compromise the green belt, green fields and flood risk areas.

In a ministerial statement dated 6 September 2012, the Government said:

"The green belt is an important protection against urban sprawl, providing a 'green lung' around towns and cities. The coalition agreement commits the Government to safeguarding green belt and other environmental designations".

That seems clear enough. However, the same statement goes on to say:

"As has always been the case, councils can review local designations to promote growth. We encourage councils to use the flexibilities set out in the national planning policy framework to tailor the extent of green belt land in their areas to reflect local circumstances."—[*Official Report*, 6 September 2012; Vol. 549, c. 33-34WS.]

That is less clear. Indeed, it is confusing, perhaps even contradictory.

On the face of it, reaffirming councils' right to re-designate the status of their land could be seen as promoting localism. However, the fact is that Government pressure to create high housing numbers is forcing such re-designations, which flies in the face of localism and contradicts the localism policy. The Government's policies on the green belt and the wider countryside are confusing and contradictory; clearing up that confusion is one of the purposes of this debate. The Government's insistence on high housing numbers is threatening the green belt, which leads me to question why the Government believe that we need so many houses in the first place. I wish to consider the question of housing projections.

I recognise and claim everyone's right to a decent place to live. My job immediately before I was elected to Parliament involved working with homeless women in London. My responsibility was to raise money to build a hostel and day centre for them, to enable them to take the first steps back to normality. I learned that in almost all cases, homelessness is caused not by a property shortage but by other factors such as finances, family breakdown, drug or alcohol abuse, unemployment, refugee status or other social factors. It is not that there are not enough houses.

The Government's own figures seem to confirm that there is no shortage of houses. In an answer to a recent parliamentary question that I tabled, the Government informed me that at the last count, there were 709,426 empty properties in England. Add to that the number of houses with planning permission that are not yet built and the figure for available properties in England comes close to 1 million.

Of course, there are in fact shortages of two kinds of housing: affordable homes, which are scarce in the village where I live, and privately rented properties, partly because it is hard and often undesirable to be a landlord. There are shortages in those two sectors for reasons other than a shortage of houses as such. For example, it is getting on for 2 o'clock, yet any one of us could go out into London or anywhere else and find houses to buy this afternoon. I question the Government's assertion that so many houses need to be built that local authorities must re-designate green-belt land in order to meet the Government's arbitrary and undefined housing targets.

Tewkesbury is an example of what I mean. There is no housing shortage in my area. In fact, there is planning permission for houses that have not yet been built, as well as empty properties. In the past 20 years, 7,536 houses have been completed in the borough of Tewkesbury, yet the Cambridge university econometric assessment, which is used by local councils and presumably approved of by the Government, suggests that 10,900 houses will be needed in the borough over the next 20 years—or, to be strictly accurate, over the next 18 years, as two years of the plan period have already passed. Why has Tewkesbury's housing need for the next 20 years been assessed as 45% higher than for the last 20 years? It needs explaining.

It gets worse. Tewkesbury borough is involved in drawing up a joint core strategy with Cheltenham and Gloucester. The JCS allocation for Tewkesbury borough for the next 20 years is not the 10,900 I refer to, high though that is, but 18,800, which is 150% higher than for the last 20 years. Why? Partly because it is deemed that Cheltenham and Gloucester cannot find land for



[Mr Laurence Robertson]

their housing growth needs, so the houses will be dumped in Tewkesbury borough, potentially causing housing stock in Tewkesbury to increase by 54% over the next 20 years and causing the councils to build on green-belt land and in other undesirable areas.

That raises the question of the duty to co-operate. Gloucestershire has six council areas, not just three, and the duty to co-operate goes beyond county boundaries. Why, then, will the houses that Cheltenham and Gloucester are deemed to need but cannot accommodate end up being built on green-belt land in Tewkesbury? That cannot be fair, and it demonstrates the paucity of the current planning guidance, which says that plans will be considered unsound if the councils concerned have not co-operated. However, it is the councils that are not involved in the plan, as well as those that are, that need to co-operate. How does that work?

I reiterate that if it were not for the Government's apparent pressure on local authorities to plan for a greater number of houses, the problem would not arise. Such a top-down approach is arbitrary and undefined. I say so because that is basically what the Government indicated to me in reply to a parliamentary question. In a written answer dated 9 July, the Minister told me:

"While there is no standard methodology, councils' assessments should be demonstrably objective."—[*Official Report*, 9 July 2013; Vol. 568, c. 191W.]

What exactly does that mean? If there is no standard methodology for assessing future housing needs, how can Government assessments be right and the local authority's previous housing figures wrong? That is another question that I want answered today.

That brings us to the issue of localism. In my view, the Government were right to scrap the regional spatial strategies. It was surely wrong for unelected, anonymous people to determine how many houses an area should build and where they should build them. It was therefore with great anticipation that I and many others looked forward to the new housing and planning strategy—only, so far, to be disappointed.

Local plans have always had to be sound, and developers have always had the right to appeal against decisions against them locally; there has also always been a presumption in favour of sustainable development. However, we now seem to have gone beyond that, and to be setting the bar far too high for local planning authorities, and that causes them to contradict another area of Government policy, which is the need to protect the green belt.

As I have said, in my area, Tewkesbury borough will, if the JCS is adopted, have to increase its housing stock by about 54% over the next 20 years. That massive increase will mean that the council has to grant permission for developers to build thousands of houses on land that is currently designated green belt. Such sites have already been identified.

**Sir Bob Russell (Colchester) (LD):** I understand the point that the hon. Gentleman is making, but is it that Tewkesbury borough council is not engaging in a conversation with neighbouring authorities, or do those authorities want to foist some of their development on Tewkesbury, or on its borders?

**Mr Robertson:** The authorities are involved in the joint core strategy, which covers three councils, but there are six councils in the county, and others outside the county overlap with them, or are contiguous. Perhaps there has not been enough of an attempt to ensure that all councils join in, and there has been obstinacy on the part of some of those involved in the joint core strategy, but whatever the case, it is a really strange situation to have three councils getting together while others each have their own plans. The whole system is very confusing and difficult. As for Tewkesbury's allocation, even if we accept the Cambridge assessment of 10,900 homes, we will not have that figure; we propose to have 18,800, even though we built only 7,500 in the previous 20 years. The situation is very confused.

I have mentioned that there are proposals to build on designated green-belt sites. If they are built on, it will bring the coalescence of Cheltenham and Gloucester nearer, but it was precisely to avoid that that the land in question was designated green belt in the first place, in line with the policy stated in the written ministerial statement that I read out. Surely that is not what this Conservative-led Government intend to happen?

As I have mentioned the Conservative party, may I say in the privacy of this room that our policies on planning are losing us many votes in many areas? I am sure that the leaders of my party do not intend that to happen. In some ways, I feel that the Government believe that recovery and growth in the economy can be kick-started by encouraging more house building. Perhaps that is why the Government are requiring such high numbers, rather than following assessments based on experience and fact.

**Mrs Anne Main (St Albans) (Con):** I will be brief, because so many hon. Members want to speak. There are huge numbers of readily accessible plans in the system that no one is building for, so just granting more plans will not kick-start the economy; it will just provide more land-banking for developers.

**Mr Robertson:** I entirely agree. I do not believe that it is for the Government to engineer a recovery in such a way. Surely the market will determine in which areas there will or will not be growth, so why not leave local councils to determine how many houses they need over any given period and to make their plans accordingly? The Minister may reply that that is indeed happening, but it is not. The three council areas I cover have all told me that they have to make plans for a high number of houses, because the Government will reject plans as unsound if they do not plan for such large numbers. If that is wrong, I want the Minister to say so. I will then go back to those councils and tell them that their view is wrong. I do not, however, believe that that is the case.

There is certainly a feeling that developers' ad hoc applications are granted too freely on appeal by the Secretary of State. I have examples of that in my area. Appeals have been granted that will allow the building of many houses at Bishop's Cleeve and Winchcombe, against the wishes of local people. On the face of it, those appeals were allowed because the council has been deemed to have an insufficient five-year land supply. What is that assessment based on? Is it based on the number of houses built in the past, on some arbitrary and undefined calculation, or on figures in the regional

spatial strategy? The strategy for the south-west was never signed off, and that whole policy has been scrapped in any case. Once again, this practice flies in the face of the localism concept that the Government are promoting.

Many hon. Members wish to speak, so I will summarise my main concerns. The Government's policy on the green belt is confused and contradictory, and we need clarification today. Exactly how do the Government assess how many houses will be needed in the future? Why are they following the predict-provide approach? Why are estimates for future housing need so high, and why are they so much higher than what was needed for the last 20 years? As a slight aside, much of the population growth in the past 20 years has been caused by immigration. Given that the Government are intent on reducing net immigration and claim to have done so already, how can housing need be predicted to increase? Why is the localism agenda being ignored? Why is pressure being put on local councils, causing them to build on green-belt land? All those questions are being asked in the council areas that I represent and, most importantly, by the constituents I represent, and they would all like answers.

Several hon. Members rose—

**Mr Dai Havard (in the Chair):** Order, I thank hon. Members who have indicated that they wish to speak. I have a long list of 15 Members. Given the time constraints, I appeal to you to plan on having seven minutes each. That will give everyone a fair chance to speak, and allow for a proper response from the Minister, as Members will want him to give a comprehensive reply.

1.48 pm

**Valerie Vaz (Walsall South) (Lab):** It is a pleasure to serve under your chairmanship, Mr Havard. I thank the hon. Members for Tewkesbury (Mr Robertson) and for St Albans (Mrs Main), and the right hon. Member for Arundel and South Downs (Nick Herbert) for calling the debate, which is very timely.

I declare an interest as a member of the National Trust—I am concerned about its announcement that the National Trust will allow fracking on its land, but perhaps it will consult its members—and in my previous life, I used to litigate on behalf of the Government on planning matters.

I want to focus on three main areas that have affected my constituency of Walsall South, which is an area of mixed housing, with 11 farms—planning and the green belt, land banking and permitted development.

The green belt was first proposed by Ebenezer Howard in 1898, in his book "Garden Cities of Tomorrow". Hon. Members may not know that as well as writing that book, his day job was as a transcriber for *Hansard* in Parliament, so who knows what the transcribers get up to in their spare time? In 1935, the metropolitan green belt was proposed by the Greater London regional planning committee, under the leadership of Herbert Morrison, one of whose relatives is in the other place. In 1947, under the main Town and Country Planning Act, councils outside London became able to control the use of, and to develop, undeveloped land. In 1955, the green-belt policy was established, requiring local authorities to set out the green belt in their area.

Like the hon. Member for Tewkesbury, I still find that there is a misconception about the nature of the green belt, what planning in the green belt is and what "very special circumstances" means. We have a national planning policy framework in place. In old money, which is what I am used to, it was called planning policy guidance. There were lists of criteria of what could and could not be built on the green belt. Either way, whether we use the old money or the new framework, the green belt should be protected, and it is not.

In Walsall South, we fought against development on the site of the Three Crowns pub. Against the planning officer's advice, permission was granted for 14 flats with three detached houses on the green belt. The development was clearly out of character for the area. Since then, nothing has happened, except for the development of a car wash. No building work has taken place. The only sign of creativity is graffiti on the building. Land and building have lain empty and unused for three years.

As we are debating this matter today, a decision will be made about the disused site of the Three Crowns school. It is green-belt land that was given to the community, so it is council land. Permission will be given—or perhaps not—for eight detached houses. Such development is not required in the area. Not only was the consultation carried out in the summer holidays when people were away, but the plans go beyond the footprint of the building.

There is need for housing in Darlaston, in another part of the constituency, and there is permission for 224 houses to be built on a former factory site. Permission was granted in 2007 and still the site remains derelict, without the sound of people coming in and out of their houses. The owners are a subsidiary of the Royal Bank of Scotland. The residents in the area say that they want housing, a community space and a place for young people. The owners, however, want a retail development on a site that is near the largest retail parks in the region; that is land banking at its worst.

My third area of contention is permitted development and its extension. We have the extraordinary situation in my constituency where a phone mast has been placed in a high street. The council rightly refused permission, but because it sent the rejection by second class post, the company was deemed not to have been given reliable and verifiable notice of the refusal. There was notice: Vodafone were informed of the result by phone and the refusal was on the council website. Residents will have to put up with this phone mast, as there has been no compromise from Vodafone. Indeed, Vodafone is planning to extend the height of the mast. There were many sites for the mast—I have been in discussions with Vodafone—but the company insists that it wants to keep it on the high street. It is an eyesore, and because of a simple mistake, my constituents are affected. Furthermore, with the new permitted development rights these phone masts can be extended up to 20 metres and widened by up to a third. The Pheasay phone mast is on a pavement on the high street. Once again, other interests carry more weight than those of the people who have to live with the consequences of such decisions.

In conclusion, with cuts to local authority budgets, those with the skills to make coherent planning decisions are in short supply. Such people should be valued, as should the views of residents, with a tribunal attaching the appropriate weight to the views that are based on



[Valerie Vaz]

planning grounds, and not just on commercial interests. In that way, we will maintain the spirit of Octavia Hill and Beatrix Potter and balance the need for housing with a protection of the countryside preserved for future generations.

**Mr Dai Havard (in the Chair):** I thank you for your time consideration. I now call the co-sponsor of the debate, Mrs Anne Main.

1.54 pm

**Mrs Anne Main (St Albans) (Con):** St Albans is ringed by green-belt land and green fields. We have good schools, very low unemployment, good links to London and a beautiful historic city. We are an aspirational living destination as well as an area in which people have firm roots. Once they are there, they do not usually wish to move; they want to bring up their families there, and their families want to stay.

It is no wonder that developers have us in their sights. We are in the proximity of London and house prices are high. I hope that local need and modest growth are not being confused with the ramped-up desire to market our area, as I regularly see local developments being actively marketed in London in terms of relocating for quality of life. For local councils, therefore, the "predict and provide" is hard, as we are trying to satisfy the appetite of developers. We want to ensure that we support the local economy, businesses and the need for the sort of development that our area can handle. I want to focus on the economic balance of an area.

Locally, it is hard to find a significant number of large brownfield sites, so any development tends to be a sensitive issue. We must make hard choices and my authority is up for that. We are actively undertaking a green-belt review, but we wish to have minimal impact on our green belt and coalescence. The need for local decision making in the planning system will be a strong theme in the debate, and Members from different areas will have their own issues and views in that regard. I trust local elected representatives to act like grown-ups, to listen to residents, to recognise the need to build and develop, and to plan and provide for their local area. No one wants a no-build or silo mentality, and in St Albans we are certainly not averse to having cross-border authority co-operation.

I welcomed the fact that in June my right hon. Friend the Minister urged local councils to encourage co-operation. I urge him now to listen to neighbouring authorities, which are being frustrated by the current developer-led system. They may wish for something in their area, but it will not happen because something is being imposed in a neighbouring area.

A case in my area proves that point. Hertfordshire is furiously resisting a rail freight interchange on 300 acres of green belt, slap bang in the middle of villages, accessed off village roads and with no direct motorway access. It is at a commuter pinch point on the line—commuters are very important to the economy of St Albans, and we do not have blue collar workers—and all in all, the villagers are up in arms about the interchange, which certainly was not included in the local emerging development plan. We believe that it is the wrong site in

the wrong area and that it will have an injurious effect on our part of the countryside. Even the inspector in his first and second reports rejected the site, observing that

"there is not a large, available work force local to the Radlett site...The net result would inevitably be mass in-commuting, mostly by car, all of which is directly contrary to the Government's policy. The irony of this is almost painful. The Government promotes SRFIs in order to advance the cause of sustainability—"

and the developer is promoting the proposed site—

"in a wholly unsustainable location."

If we are to take seriously the protection of the green belt, surely we should be looking at relinquishing parts of it only when we absolutely have to and we should relinquish only those bits that would be least injurious to us. The inspector also said that there is no dispute that we enjoy very low levels of unemployment

"and several of those who spoke at the inquiry advised me that employers in the area were already experiencing difficulties in recruiting workers."

He said that there would be no reason for that to change should we have this large commercial development on our green belt.

Members might be amazed to hear that only 15 miles north in a neighbouring authority—I know that we are supposed to co-operate with our neighbours—on exactly the same train line, well away from residential homes, unlike in my constituency where residents are directly backing on to this site, development is starting on a newly constructed motorway spur off the M1 costing £134 million. Also under development is a £2.5 million slow passing link, which would allow freight lorries to wait and heavy trains to let through the passenger services that are all part of the new £6 billion Thameslink commuter services. Moreover, there is a willing local work force who need the jobs.

I cannot say this strongly enough: the public will find that scenario completely puzzling. We are supposed to have a commitment to the green belt and to the policy of letting localism decide. We talk about having economic regeneration in areas that need it and about not over-heating the areas that do not need it. Here we have an area that waited to get the infrastructure in place. It now has it in place and the funding to facilitate it. The scheme is included in the local plan. The reason it wants it is to improve the economic regeneration of the whole area. In January, the site assessment was made in which the council said:

"Overall, it is considered that this site will be suitable for the development of a RFI and employment land and will make a significant contribution to the economic growth of the area."

In its own assessment, it said:

"It will contribute to the economic delivery of the area by providing much needed employment opportunity to complement the growth of north Luton and Houghton Regis."

This is where the public are puzzled; my hon. Friend the Member for Tewkesbury (Mr Robertson), who opened this debate, said exactly that. We must have a degree of sympathy and co-operation with areas that are near to us, and I really want that to happen, as people can imagine. However, I am puzzled why the Minister did not give this mutual gain and benefit to both areas. At the time of his minded-to decision—that is somewhat in the past, so I hope today he has a chance to reflect on it—he said that there was

"little substantive evidence...to indicate that...site"

was "preferable".



Perhaps today the Minister will reflect on those recent developments, which I believe are material planning considerations. First, Mid Bedfordshire has a firm commitment to this project; it has expressed the need for development. There is a massive motorway funding agreement now in place and going ahead. The rail infrastructure work has started; he can visit it and see it. It is in an area of green belt that is certainly not as sensitive as mine. What is more, I am not fighting an authority that is resisting it; we are looking at an authority that will welcome it with open arms.

My site will have 25 mph trains crossing a fast line. There will be an interruption to my commuter services, and those commuters are a part of the London economy. The St Albans economy is very much knowledge-based, and those workers support a lot of businesses in London. To have their fast Thameslink train commuter services interrupted by 25 mph freight trains will be a nightmare. I have written to the Secretary of State for Transport because we still do not have the pathings, and we still have not received the assurances we want.

I find it amazing that the planning process is still developer led. Developers pick the sites they want to build on and it seems they are delivering some Government aims, whether on housing totals or strategic rail freight. Surely we can start looking at this process in a more local fashion.

The latest jobs figures in St Albans, which are all part of the mix, confirm almost zero unemployment. Nothing alters; we are fortunate in St Albans. We have a blue collar worker deficit, and yet there are nearly 5,000 unemployed people in the Luton area, which is where the proposals show we would draw our work force from. Why are we still bussing—well, we are not using buses, but why are we allowing cars to circulate around our countryside to access inaccessible sites, when just up the road from us we have an area crying out for economic regeneration? The second inspector's report said:

"Employment has never been a major problem in this part of Hertfordshire. A project such as this ought to be directed towards a regeneration zone."

I agree with that.

Of course, a developer will always push his own site, whether it is for housing or—as in my case—for a major infrastructure project. Ironically, on a large infrastructure project such as this one, the developer is allowed to conduct his own alternative sites assessment and choose his own selective criteria by which to judge a site. So it is not surprising that—hey presto—you can demonstrate after all, Mr Havard, that after due consideration of everywhere else, your site is the best—not yours, Mr Havard, but the developer's.

Is there any consideration within the Minister's current thought processes about whether we can alter that situation? Why should the developer pick the criteria by which we will judge a site and then say, "Well, mine's the best"? If we listen to local decision makers, the answer is different, as I have just demonstrated, but not surprisingly in my case I have two different developers, so each one wants to say that their site is the best; the difference is that one local economy believes theirs is the best.

**Mr Dai Havard (in the Chair):** Can I ask you to—?

**Mrs Main:** I certainly can.

If we are to stand for anything, it is as a Government of empowerment and choice over planning and local decision making. That is what the residents expected when this Government came as a coalition. I cheered the abandonment of the regional planning targets. I sincerely hope that this Government will review its planning processes.

**Mr Dai Havard (in the Chair):** Thank you very much. Well, Ms Vaz gave us a little bit of extra time and as you, Mrs Main, are a co-sponsor of the motion, it was probably helpful that you had a little extra time. May I remind everyone please to give others the opportunity to speak?

2.3 pm

**Sir Bob Russell (Colchester) (LD):** Thank you, Mr Havard, for calling me to speak. I thank you, the Minister, and the shadow Minister—the hon. Member for City of Durham (Roberta Blackman-Woods)—for understanding that I am not able to be here for the wind-ups.

The Minister will have noticed that there are 23 Government Back-Bench MPs here today, and it may well be that, at the end of three hours of debate, he will not have too many supporters. That is because the reality and the rhetoric of the Localism Act 2011 sadly are not the same, and while the intentions were clearly there, the reality is not.

I will be very parochial and talk about my constituency, which is supposed to be the fastest-growing town in the east of England. The Minister will know from questions that I have put to him and to his predecessors that I will be site-specific. I ask him and his officials whether it is appropriate that they will shortly make a determination on a development of 1,600 homes, even though the section 106 agreement fails to deliver the funds for the two schools that are required. It is not me saying that but Essex education authority. It says that there is no money to build the schools. How on earth can approval be given, particularly as the development is contrary to Government policy, which is that brownfield land, where available, should go ahead of greenfield land?

This particular site, which I have dubbed the fields of west Mile End, is adjacent to a former psychiatric hospital site that is on the market and zoned for housing; it has been for several years. The sale could be scuppered at the 11th hour if the development on the farm land goes ahead, because even though Colchester is the fastest-growing town in the east of England, there must come a point when there are too many houses and there is a glut. We already have a glut of flats—the "Prescott" flats. The last Labour Government insisted that the future was flats. We have a glut of empty flats in my town. What we want is family housing.

Do hon. Members remember an advert from a few years ago about a beer that reached the parts that other beers did not reach? Well, we have a local developer called Mersea Homes that is able to reach land that has never been lined up for development before. For example, the fields of west Mile End have always been land without notation—white land. It was never going to be built on, and no developer had a chance there. All of a sudden, under the radar, the land was lined up for

[Sir Bob Russell]

development. The ward council did not know about it, or if it did—I am not sure what happened. It is the only part of my constituency with a community council—Myland community council—and it was late in the day when it found out what was going on.

This is a bad development, a bad plan, with 1,600 houses to be served by the longest cul-de-sac in Britain. All the cars will pour on to the already congested highway network around Colchester mainline station. Everybody knows it is wrong, and in a question that I put to the Department for Communities and Local Government, I said that developers and planners should be

"forced to live there for a minimum of five years".—[*Official Report*, 4 February 2013; Vol. 558, c. 13W.]

They are creating problems for others to suffer that they will not suffer themselves, because they tend to live in big houses miles away; they do not have to put up with the consequences.

To the east of Colchester—this is why the hon. Members for Tewkesbury (Mr Robertson) and for St Albans (Mrs Main) are absolutely right—the next-door council, Tendring district council, wants to plonk houses on farm land that, astonishingly, nobody has ever thought should be built on, and on which, in 2010, Mersea Homes secured the best part of 800 acres. Having been lucky twice with farm land that had never been zoned for housing, Mersea Homes must know how to go about securing it. I will leave that hanging there.

Tendring district council has the North sea on one side. Clacton is 15 miles from Colchester, and the council is talking about a development of 3,000 houses adjacent to the borough boundary of Colchester. It will double the urban estates of Greenstead and Longridge Park. It will just be an urban sprawl going eastwards. The local authority—Tendring—should build its houses where its people want them. As for the idea that people living on this huge estate right up on the border of Colchester will look to Clacton—16 miles away, where they pay their council tax—rather than to Colchester, when many of the houses will be in sight of the town hall, that is not what the Localism Act 2011 was about.

What is worrying—I will end on this, Mr Havard—is that it is quite clear that this has all come in under the radar. Elected councillors in Colchester—virtually all of them—have not been engaged in the debate. Secrecy, or at least lack of involvement, is a serious issue here. There should be an inquiry into what the hell is going on.

**Mr Dai Havard (in the Chair):** Thank you. I have had a missive from Mr Turner. Although special pleading is not allowed, it is his birthday today. I cannot accede to the request that we all sing him "Happy Birthday", but he indicated to me that he has a pressing engagement, so I call Mr Turner.

2.10 pm

**Mr Andrew Turner (Isle of Wight) (Con):** Thank you, Mr Havard. It is a pleasure to serve under your chairmanship. I congratulate my hon. Friends the Members for Tewkesbury (Mr Robertson), and for St Albans (Mrs Main), and my right hon. Friend the Member for

Arundel and South Downs (Nick Herbert), on securing this important debate on a issue that affects everybody in every constituency.

I have long been interested in planning and there are many points that I could raise, but I want to keep my remarks brief and will restrict them to an aberration in the planning rules. I shall also make an observation about local development plans.

The problem is that planning authorities can give themselves planning permission to develop sites that they own. I was a city councillor in Oxford for 17 years, until 1997, and during that time, on many occasions, the council gave itself planning permission, sometimes in preference to other applicants. I am certainly not suggesting that my colleagues at the time did anything wrong or even anything questionable. However, if people own a site and are responsible for giving themselves permission to develop it, it is hard to ensure that there is no appearance of impropriety. We all know that appearances are important. We need to make sure that people have faith in the planning system. I know that this issue troubles people across the country; indeed, a number of people have raised it with me on the Isle of Wight.

I am not sure what alternative procedure we could or should follow. Perhaps it would be appropriate for neighbouring authorities—if there are neighbouring authorities—or a totally separate body to take decisions about council-owned land, or in cases where the local authority would benefit in some way. I should be grateful if the Minister shared his thoughts on this issue and said whether he believes it to be a problem that the Government should address that a council may give planning permission for land that it owns, where it would benefit from doing so.

Local development plans were introduced in 2004, so they postdate my experience as a councillor. I do not claim to have any particular knowledge of or expertise about them. However, I know that writing them and getting them approved can be a long-drawn-out process. Although they replaced a system that was seen to be inflexible, the intention being that they could more easily be amended, having spoken to Bill Murphy, head of planning services at Isle of Wight council, I am not convinced that changes to the core strategy document can be made as quickly and easily as was envisaged when the plans were brought in. It seems to me that a Minister can change the rules much quicker than a local authority.

To provide an example of certain problems, on the Isle of Wight the core strategy document sets out that we should have 520 new dwellings every year. It is not a secret that I think that is far too many, but it was not a decision for me to make; it was made, quite properly, by an elected council. However, it is now clear that the existence of that target may make it more difficult for the Isle of Wight council effectively to oppose inappropriate developments, such as Pennyfeathers, a proposal to develop a 55-hectare greenfield site just outside Ryde. There are many problems with that proposal. Not least of them is that Monktonmead brook already floods. Also, there are a number of brownfield sites available in and around Ryde that should be developed before greenfield farm land. Putting between 800 and 1,400 additional houses on Pennyfeathers farm land is quite wrong. I sincerely hope that the council will find the grounds to reject this development; if it does, I will be pleased.



It should be much easier to amend the core strategy document to take account of changes, particularly political change. A Conservative council may be replaced by a Liberal council the following day. *[Interruption.]* Well, not a Liberal, but an independent one, perhaps. The council should be able to change the rules, because the people have voted. That also applies to changes in economic circumstances, changes in local authority control, changes in demographic trends, or even changes in response to proposals that are clearly against the wishes of local people, because if localism means anything, it must take account of what local people want. I shall not detain the Chamber any longer, I should like the Minister to make his views clear.

**Mr Dai Havard (in the Chair):** Happy birthday, Mr Turner!

2.15 pm

**Nick Herbert (Arundel and South Downs) (Con):** I congratulate my hon. Friend the Member for Tewkesbury (Mr Robertson) on securing this debate, which I am delighted to co-sponsor.

Two years ago, we passed the Localism Act 2011 and promised local people that they would be given a greater say over matters that they care about, including development. It was part of a deliberate programme of devolution of power to people and communities. Ministers promised, and continue to promise, that power will transfer to local people in accordance with our manifesto and the coalition agreement. I fear that, two years on, people's faith in that promise will be considerably undermined if we allow, by the back door, the re-entry of top-down decision making that effectively denies the localism that was promised.

Let us consider the first problem. Central to the Government's new planning policy was the principle of sustainable development. Paragraph 14 of the national policy framework states that this is the

"golden thread"

that should run through

"both plan-making and decision-taking."

There are two words in the phrase "sustainable development"; it is imperative that proper weight be attached to the first of them.

Many in communities in my constituency are concerned that inadequate consideration is given to the availability of infrastructure to support development proposals. We have congested roads, over-subscribed schools, serious flooding issues and countryside that is valued and in short supply. Half my constituency is protected landscape, forcing all development proposals into the other half that is not.

Under the new system, local authorities are required to make an assessment of housing need, but surely that cannot be the last word. If sustainable development means anything, local authorities must be free to decide how many houses can be built—not just how many are necessary—to match that need, otherwise we might as well return to the top-down targets. The Campaign to Protect Rural England's Sussex Countryside Trust, in my constituency, makes the point well:

"The figures generated by the Strategic Market Housing Assessment are an assessment of need without constraints. These figures cannot simply be passported into an emerging local plan without

an effective analysis of the limitation imposed by the supply of land for new development, historic underperformance of infrastructure or environmental constraints."

Are local authorities free to make such an assessment and, regardless of the housing need that they assess, then decide how many houses can be delivered sustainably in their area? Or is an assessment of need the last word? The Government are driving hard at the demand to provide more housing. The "sustainable" part of sustainable development, promised in the Localism Act, is being put in the second rank.

A second issue is whether there is proper assessment of the available infrastructure. That issue was raised by me and many of my hon. Friends during consideration of the Growth and Infrastructure Act 2013 in December 2012. I moved an amendment stating that infrastructure needs should be taken into account when drawing up local plans. I was grateful to the Minister for what he said in response:

"I will look at making sure that the guidance that is provided in a much reduced set of planning guidance is very clear about the need to plan positively and specifically for infrastructure that is required to support the development and to ensure that it is brought on stream in good time for that development."—*[Official Report, 17 December 2012; Vol. 555, c. 605.]*

That was a pledge that there will be very clear guidance on the need to plan positively for infrastructure, but when the guidance was published in beta form—it was a draft—on 28 August, I think I am right to say that there was no such reference to infrastructure. My second question to the Minister is whether he will in fact introduce that guidance on infrastructure, as he promised in the House last December.

Another key way in which faith in localism will be undermined is if we return to the bad old days of planning by appeal, and allow the Planning Inspectorate to overturn planning applications. That is happening time after time, and it is hugely undermining faith in localism in my constituency and elsewhere. It is undermining faith in the whole system that we have set up to encourage people to take responsible decisions on planning in their local area. That is not just my view. In a briefing today, the Local Government Association said that the Planning Inspectorate's

"apparent disregard for sites identified in emerging local plans not only undermines the principles of a plan led system and local determination set out in the NPPF, but also seriously undermines local communities' trust in the planning system. This results in resistance to further local development, general local resentment, and development that does not reflect the needs of local communities as set out in the draft published local plans."

In a letter to me on 6 August, the Minister said that "decision takers may give weight to relevant policies in emerging plans"—

that is, plans that have not yet been completed, which is important, because they are either district councils' plans, or emerging neighbourhood plans, in which people have put a great deal of effort into deciding where development should go. If those plans were given no weight, speculative applications would be allowed, and we would get a system that was not plan-led, but developer-led, which would effectively amount to a free-for-all on our countryside. However, when the guidance was published, it actually stated that

"arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional circumstances",

[Nick Herbert]

so will the Minister consider allowing more weight to be attached to emerging plans, so that an indication by local people of where they do, responsibly, want development, and also where they do not, is taken on board by the Planning Inspectorate? If that is not taken on board, again, we might as well return to the top-down system that we had before, which did not deliver the new housing that we needed, and we cannot justify promising to people that we are delivering localism.

I understand why the Government were concerned about the situation they inherited. There was a low level of housing starts, and we have to accommodate this country's housing need. There are important generational arguments about the lack of opportunity for young people and their ability to get their foot on the housing ladder, but allowing top-down targets to return through the back door—indeed, even encouraging them—will not deliver the additional housing that is needed. It will merely deliver a great deal of pain—pain politically, as people see that the promise of localism was not in fact real, and pain because such top-down targets will not help people to get their foot on the property ladder and will not have a significant effect in reducing property prices.

House building is growing at the fastest rate for 10 years. A more radical reform will be required if we are to seek to close the gap between incomes and rapidly rising house prices, but I urge the Government to keep faith in the localism that was promised in our manifesto and in the Act that we passed, and not to return to the bad old days of top-down targets and of allowing the Planning Inspectorate to override local decision making, which merely set up conflicts and delivered nothing, in terms of the housing that we needed.

**Mr Dai Havard (in the Chair):** We have now used the time won by Sir Bob and Mr Turner.

2.24 pm

**Sir Tony Baldry (Banbury) (Con):** I last raised concerns on planning and planning guidance in a debate I initiated in the House on 18 January, which can be found at *Official Report* column 1218. I will not repeat what I said in that debate, and I will put the full text of what I intend to say this afternoon on my website, [www.tonybaldry.co.uk](http://www.tonybaldry.co.uk).

In January, I expressed concerns that developers were making opportunist planning applications in the hope of securing planning permission before the adoption and introduction of a new local plan, and I also observed that if localism and neighbourhood planning were to have any meaning, local communities must have the opportunity and a reasonable period of time in which to draw up neighbourhood plans. I drew the House's attention to four specific planning applications in my constituency, all of which clearly ran counter to Cherwell district council's local plan.

Following that debate, the Secretary of State for Communities and Local Government decided to call in all four planning appeals. As a former Planning Minister, I am well aware of how rarely Ministers call in planning applications, so I assumed that the Secretary of State

had called in the applications because he wanted to give an indication on the weight that the Planning Inspectorate should give to draft and emerging local plans, a point raised by my right hon. Friend the Member for Arundel and South Downs (Nick Herbert).

I assumed that the Secretary of State would also want to give some indication on how the Planning Inspectorate should calculate the five-year housing supply and would take the opportunity to reinforce the Government's belief in localism and commitment to neighbourhood planning. In the event, the Secretary of State did give a clear indication on the weight that should be given to the draft local plan: absolutely no weight whatsoever, according to the decisions in all those appeals. By allowing all four appeals, the Secretary of State also made it clear that no weight or consideration should be given to localism or neighbourhood planning.

Given that those appeals all ran so clearly counter to the provisions in Cherwell district council's draft local plan, they not surprisingly provoked a good deal of anger from local residents, local councillors and indeed myself, and given that all the decisions were made by the Secretary of State, they not surprisingly attracted press coverage. In response to journalists' questions on why the appeals had been allowed, in one article the press spokesperson of the Department for Communities and Local Government observed that the appeals had been allowed because Cherwell had not made

"sufficient progress with their Local Plan".

I will examine that proposition. A draft local plan is not something that can be whistled up overnight on the back of an envelope; it requires consideration and full and proper consultation with local people and house builders. If the local planning authority gets the local plan wrong, it is liable to judicial review.

One of my many frustrations with the Secretary of State's decisions is that Cherwell, after careful, widespread and considered consultation, had managed to produce a draft local plan to which there is practically no opposition among local people. I would have understood the Secretary of State's decision to allow all four recent planning appeals if there was a scintilla of a suggestion that my constituents or Cherwell district council were in any way wanting to frustrate local housing development. The reality is quite the contrary.

Over the past 25 years, Banbury and Bicester have been two of the fastest growing towns in Oxfordshire and everyone accepts and recognises that Banbury and Bicester will continue to develop with new housing growth over the next 20 years. Indeed, I can only assume that Ministers in the Department for Communities and Local Government simply do not talk to each other. That may be a consequence of the fact that, unlike in my day, when Housing Ministers—as the Chief Whip, the right hon. Member for North West Hampshire (Sir George Young), who was here briefly, and I were—were also Planning Ministers, those roles now seem to have been separated.

If Planning Ministers had spoken to Housing Ministers, they would have learnt that Housing Ministers had made numerous visits to my constituency over the past couple of years to support and encourage the numerous housing initiatives in north Oxfordshire, including: one of only two eco-town projects left and being developed, which in due course will deliver approximately 5,000 houses;



probably the fastest turnaround to grant planning permission for new housing on a major Government surplus brownfield site on former Ministry of Defence land at Bicester, granting planning permission for 1,900 houses; and one of the largest, if not the largest, proposed self-build housing projects anywhere in the country. Indeed, the Minister's Department and the Homes and Communities Agency tell me that what we are proposing at Bicester will be the largest self-build scheme by a long way anywhere in the country and will deliver up to 1,900 houses. Cherwell district council is so keen to get house building going in north Oxfordshire that it has offered to buy the surplus MOD land from the Government, so that it can ensure that new house building takes place there as speedily as possible.

This very Monday, Cherwell district council agreed its local plan for submission to the Secretary of State at a meeting of the full council, which endorsed it with a unanimous vote. No responsible local authority could have produced a local plan more quickly. The agreed plan makes robust provision for housing until 2031 and envisages 16,750 new houses being built in Cherwell district during the survey period up to 2021. That is in a robust and deliverable local plan that has been adopted unanimously and without any significant local opposition. Moreover, the House might be interested to know that more than 50% of the planned houses are already being built or are subject to planning applications under active consideration by the district council. Cherwell not only has an agreed local plan, but is doing all that it can to deliver on the provisions of that plan.

The whole point of local plans, however, is to enable local councils and local communities to decide where new housing provision should go. Cherwell's local plan focuses development growth on the towns of Banbury and Bicester, while avoiding coalescence with villages by introducing new green buffers around the towns. That seems to be a wholly commendable policy aspiration on the part of district councillors.

One of the recent planning appeals decided by the Secretary of State, however, drove a complete coach and horses through that policy aspiration of developing green buffers, by allowing development in an area that the district council had allocated as a green buffer in the local plan. In effect, the Secretary of State has allowed a policy of first come, first served, with planning permission being given to whichever house builders or developers happen to get their planning applications in earliest. This is not plan-led development; this is not central planning policy—this is planning anarchy.

My hon. Friend the Minister will say that the Secretary of State, having granted planning permission, now has no locus on those decisions. In law, that is correct, although Cherwell district council is not surprisingly considering with leading counsel whether there are good grounds to take the Secretary of State to the High Court for judicial review of his decisions. Ministers may no longer be legally accountable for their decisions, but they are politically accountable.

Ministers say that one reason for allowing the appeals was because, at the time the planning applications were made, the district did not have adequate five-year housing supply. One of the main reasons why the district did not have adequate supply, however, was because, on a number of significant sites where developers had been granted planning permission, they had simply not started building

work. Local authorities and local people, having granted permission on significant sites, are not to blame if the house builders decide not to build until some time in the future, for whatever commercial reasons of their own.

From what the Secretary of State decided in the four appeals, it appears that the local plan will have no weight until it is actually adopted. It cannot be adopted, however, until after the process of examination in public. District councils such as Cherwell are in no way in control of when the Planning Inspectorate will undertake and complete the continuous improvement plan. Until then, we are all vulnerable to continuing opportunist planning applications by developers who strongly suspect that they will be allowed by the Planning Inspectorate or by the Secretary of State on appeal.

2.33 pm

**Martin Horwood (Cheltenham) (LD):** I apologise to you, Mr Havard, and to my neighbour, the hon. Member for Tewkesbury (Mr Robertson), for missing the opening speech. I congratulate the hon. Members who secured the debate, which is enormously important.

The issue is enormously important politically for both coalition parties, because we both made profound promises in opposition. The Conservative party's policy document, "Open Source Planning", states:

"Our emphasis on local control will allow local planning authorities to determine exactly how much development they want, of what kind and where"—

not how much an econometric model tells them they need, or how much demand has to be met, but how much development they want.

The Liberal Democrats produced a document called "Our Natural Heritage", which states that

"our quality of life is dependant on the quality of our environment. We will not only work to maintain and enhance it but will give people more access to and influence over it."

One of the ways in which we suggested doing that was a new designation, the local green space designation. I helped to author that policy, and I was proud when it made its way into the coalition agreement, and from there into the "Natural Environment White Paper" and then the national planning policy framework. As the Prime Minister said to the director of the National Trust, I think, it would be a tool that local people could use to protect not vast tracts of countryside, but those local spaces that were not necessarily the most beautiful or the most rich in great crested newts, but the ones valued by communities.

Instinctively, all of us know which those areas are—we can all think of that local area that people have been campaigning to protect, sometimes for decades, as in the case of Leckhampton in my constituency. I thought, "At last, we have a Government committed to localism, which I am proud to be part of and a supporter of"—Conservative colleagues were equally proud—and that the Government were actually going to deliver on such promises, rejecting the very unpopular, top-down regional spatial strategies that seemed to be imposing numbers from above. The regional spatial strategy in the south-west had 35,000 objections—but the situation around my constituency in Cheltenham is every bit as bad now.

In practice, we are facing the loss of vast areas of green fields. The local paper converted the amount into that popular measure of area, football pitches—about

[*Martin Horwood*]

2,000 football pitches of green fields are about to be lost, if the plan being formulated in the joint core strategy goes through. Almost everything in the plan is greenfield sites, and almost all those sites are in the green belt—there is a Kafkaesque process whereby the green belt boundary is redesignated, so that the bits taken out of the green belt can be built on, while claiming that the green belt is not being built on.

Equally badly, another area at Leckhampton had a sustainability assessment and a green belt review, which talked about its value in biodiversity, public access, the enjoyment that it brings, its rural character, and such things—all of which were recognised by inspectors in the past—but again that is included simply because the econometric model dictates a certain number. That number for around Cheltenham is at least 10,000 houses, which is a 20% increase in the size of the town. That is not sustainable.

As the right hon. Member for Arundel and South Downs (Nick Herbert) rightly said, it is as if the rest of the national planning policy framework, which we celebrated at the time of its second draft, did not really exist. There were elements that discussed balancing economic growth with environmental and social factors, and things such as the local green space designation to protect what people really cared about; among the core planning principles were meant to be respect for the environment and sustainability, and prioritisation of open spaces and, if possible, brownfield over greenfield development. In practice, however, at local level all of that appears to count for absolutely nothing. We are told that the objectively assessed housing need dictated by the econometric model must be observed absolutely—that the developers must get absolutely everything that they are demanding, because otherwise unelected inspectors will declare the whole plan unsound.

There is a nice coalition balance of local councillors in Gloucestershire. In the constituency of my neighbour the hon. Member for Tewkesbury and in Gloucester city, we have Conservative councillors who felt obliged to vote for the thing, while the Liberal Democrats very much enjoyed opposing them. In Cheltenham, it was rather the other way around—many Liberal Democrats and some Conservatives voted for it, while others voted against. The result was that councillors were put between a rock and a hard place. They were told that if they voted things down and did not move on at least to the next stage of consultation, the plan was likely to be declared unsound, it would all fall apart and we would end up with a developers' free-for-all.

I have to tell the Minister that local people see very little distinction between what is emerging from some local plans and a developers' free-for-all. Despite all our promises in opposition, despite the national planning policy framework and despite all the grand words in it about balancing environmental and economic factors and respecting open space and sustainability, we are in a position that is every bit as bad as the regional spatial strategies. That is simply not acceptable—

**Annette Brooke** (Mid Dorset and North Poole) (LD): Will my hon. Friend give way?

**Martin Horwood:** I suspect that I shall be out of time shortly, so I fear that I had better not.

I think we will end up in a situation that is just as bad as under the regional spatial strategies. I want to go back to my local councillors and constituents to say that the coalition Government have delivered on their promises, but I have to tell the Minister that that is not what is happening now.

2.39 pm

**Rebecca Harris** (Castle Point) (Con): Earlier speakers have said many of the things that I wanted to say, but possibly more elegantly.

I thank the Minister for declining a developer's appeal in my constituency. That was warmly received, but we are on notice that developers may keep pushing, and they will.

I think all hon. Members here greatly welcomed the abolition of the previous housing regime and everything in the new national planning policy, including abolition of the regional spatial strategy housing targets. However, I see all around, particularly in my area, that it is pretty much business as usual for planning departments, for the Planning Inspectorate and certainly for developers. Some key aspects of the current regime seem very similar to the old regime and are being interpreted and treated similarly—for example, the requirement to find the local need. It is not a target, but it must be established based on complicated methodology. Consultants in my area have come up with four or five different scenarios, all wildly different, about local housing need. It is supposed to be objective, but councillors will have to choose the figure that they believe is most likely to be accepted by the Planning Inspectorate. That does not strike me as wholly objective.

We must put together a local plan that specifies deliverable land over a certain number of years and then developable land. There must be objective evidence of whether it really is deliverable, and I understand that. We cannot have local councils saying they want to build all their houses on what is currently a lake because that would be a good way to get around having building done. In the world of planning, however, what is deliverable is entirely down to argument. The big unit developers may see the four or five attractive green fields that are left in a borough, and argue that they could put their bulldozers on there tomorrow, that the development would be in single ownership and that that would be a good deal with a percentage going to the farmer. No one could argue otherwise—it is clearly developable tomorrow.

What happened in practice over the last decade and during the previous Government's regime is that land was banked and there was not enough work done or pressure put on the little brownfield sites in multiple ownership, which is what we should be doing now. Those are the sites our communities would prefer to be developed, not the fields that they see and appreciate.

I urge the Minister to put as much pressure as he can on councils when interpreting and putting together their plans. In the national planning policy framework and the recent guidance, which I greatly welcome, it is clear that our councils have the power to do something about small sites, which may be in multiple ownership with some planning constraints. They can knock heads together and encourage local people to suggest such sites. That would save us from losing the fields that we



all love and appreciate. However, that is a big ask for a constrained planning department. Everyone is feeling the pinch at the moment, and the planning inspector is breathing down councils' necks to get the local plan completed. It is a lot more work and takes a lot more time, but it can be done. For example, if we want to build houses, we are much more likely to get small local sites up and running. If we told the local scrap metal dealer, who has gone bust because we have changed the law and he cannot take cash, that he could build five or six starter homes on his land tomorrow, he would not do what the big unit developers do and wait until the time is right or build only one or two homes because he does not want to flood the market; he would sell straight away and houses would be built there.

We should change what we are doing and target smaller and less popular sites that have local owners, who will use local builders and local estate agents. We would then have a much more popular local plan for residents, and we would not have the big household-name developers acquiring 600-unit sites where, if they got around to building houses on them, it would not be in the time frame we want, and would market them out of town and in London. Local estate agents would not get a look-in, and the houses would not go to local people.

That is the problem with the current planning regime, and we desperately need the Department to tell councils that it expects them to plan positively. Planning positively under the national planning policy framework does not mean more green-belt sites with many houses on them. It means they should find out where they want houses, and make that happen. We must get that message across, because it is in the national planning policy framework and it is good stuff, but out there on the ground it does not seem to be working.

I plead with the Minister to ensure that he directs councils to use their powers of compulsory purchase and to find owners of sites that people would like to be developed, instead of what happens at the moment with the big boys turning up, driving round the area, seeing the half a dozen local fields that everyone loves and appreciates, putting in a planning application, and arguing time and again that that is more deliverable.

**Mr Dai Havard (in the Chair):** We now move from south-east England to Mr Stuart Andrew who will give us a view from the north.

2.45 pm

**Stuart Andrew (Pudsey) (Con):** I welcome this debate and congratulate my hon. Friends on securing it. I have been interested in the subject for a long time, not just because I represent a heavily affected ward, but because I am a member of a plans panel on Leeds city council.

My constituency has seen many significant changes over the past 20 years. It was renowned for its cloth and woollen mills, and other industries, but as those industries declined, their sites became redundant and places such as Pudsey, Farsley and Guiseley saw those employment sites turned into residential areas. During the first decade of the this century, we were inundated with application after application to build even more houses, and consequently our roads are congested beyond belief at weekends and during weekdays and evenings. Our surgeries have more and more patients and our schools are so

busy that children living just across the road from their local school may struggle to get into them. Most of all, people were exasperated and frustrated that the planning system was something that happened to them, and that they had little say in it. Sometimes, even when the council said no and that enough was enough, an appeal was allowed. I cannot express strongly enough the anger and resentment that that created.

When the Government talked about planning reform, I thought "Hallelujah". Many of the changes have been welcome and in the right direction. Reducing the plethora of guidance and advice to a more manageable document is making life a lot less complex and the system more understandable. The ability to create neighbourhood forums to offer real engagement is hugely welcome.

I pay tribute to the Minister for taking time to visit so many constituencies around the country. I was pleased to welcome him to mine, where he heard the concerns of local councillors and others, and saw for himself the significant development that has taken place. That was appreciated. I have noticed that when hon. Members list a number of positives in this place, a "but" invariably follows, and here it comes. Despite the Government's work, a problem threatens the intentions of localism and people's trust that we will have a real bottom-up approach to planning.

Localism is about local communities deciding what, where and when development should take place. There has been a real appetite and interest in my constituency in being involved in the planning process. Groups such as Wharfedale and Airedale Review Development and Aireborough Civic Society have campaigned long and hard on the issue. In addition, residents have turned up in their hundreds at public meetings when these issues were discussed. Organisations such as Horsforth town council, Rawdon parish council and Aireborough Neighbourhood Forum have all worked incredibly hard to engage with the whole community, bringing residents, schools and businesses together to develop a vision of future development that is sustainable, realistic and seeks to preserve our natural surroundings.

I am talking not just about building houses but about creating places that people want to live in, work in and play in: real place-making. Something is jeopardising all that work, and is still seen by my constituents as a top-down major influence: the housing targets that we have heard so much about today. We all know that the original regional spatial strategy placed huge burdens on local authorities, but despite abolition of the RSS, little has changed with the targets. In my constituency, the core strategy of the city council is being examined. It includes a plan to build 74,000 homes over the next 14 years, and it arrived at that figure with a host of scenarios ranging from 27,500 to 92,000. That means that the council has gone for the high end because it believes that the Government expect it to be far more ambitious than can reliably be achieved. I, local councillors, and all the groups I have mentioned have argued, ever since the document came out in draft form, that the figures are far too high. Despite our logical arguments, the council has kept the target, fearing that the inspector will force it to go even higher. The problem is that the council is far too ambitious.

What is the consequence? The council then has to prove that it has the land to supply such high targets. Even with the existing permissions of 20,000 dwellings,

[Stuart Andrew]

there is still not enough land, so the council is now looking at greenfield and green belt, meaning that in my constituency up to 80% of all new homes will be built on green-belt or greenfield sites. The precious places that are the lungs of our communities, the natural barriers between the towns and villages, and the green borders between the cities of Leeds and Bradford, will all be gone. They are now all under threat and my constituents are clearly not happy. Even in the best of the boom years, we never managed to build so many houses, and developers want to go even higher, saying that the brownfield sites in the city centre are not viable. That is because they are lazy and do not want to be ambitious about creating places where people want to live in our city centres.

The other day, I asked my hon. Friend the Minister what happens if the inspector, in the process of looking at these figures, agrees to such a high amount. If it is approved, I fear that the brownfield sites in city centres will be abandoned, that the developers will cherry-pick the green belt, and that residents will be stuck between the Government saying that local councils can set high targets and the council saying that the Government expect high targets.

I know that the Minister will say that the target needs to be objectively assessed, but what happens if those figures are approved? Is there any appeal process for my constituents to present their case? They are doing so brilliantly at the hearing, but if we are saddled with those housing targets, our green belt will be ravaged, and future residents will not be able to do anything, because the period will already have been set in stone. Worst of all, however, it will send a message that some already believe: localism goes only so far, but not far enough where it matters.

**Mr Dai Havard (in the Chair):** In my spatial planning, we now move to Cheshire and Ms Fiona Bruce.

2.52 pm

**Fiona Bruce (Congleton) (Con):** I am here as a voice for my constituents, who feel grievously let down by the lack of clarity of the planning policy, practices and procedures of local and national Government. Only one thing is clear: despite more than 20 action groups representing thousands of people across my constituency, despite many public meetings, the most recent of which was held last night in Congleton town hall, despite my bringing successive leaders of Cheshire East council to meet Ministers for clarity on these issues, and despite countless letters having been sent to Ministers on behalf of constituents, we still have developer-led development in our area and unsustainable, unplanned development. It ignores town plans, places no weight on the emerging local plan and makes a mockery of localism.

The national planning policy framework, with its presumption of sustainable development, contains an inadequate definition of that—in fact, it is barely a definition at all—which certainly does not equate with my constituents' definition. Sustainability means there being enough schools, roads, medical centres and facilities for local people, and there simply will not be enough if the rate of development continues in our towns.

In Alsager alone, which is a town of some 5,500 houses, applications are in the pipeline for 3,000 dwellings. This is a town recently described by the chief planning officer of Cheshire East council as "currently unsustainable". In Sandbach, which is a town of 8,000, some 6,000 applications have been granted or are in the pipeline. Just last week, two consents for Sandbach were granted, in Abbeyfields and Congleton road. That makes the consents already granted for Sandbach sufficient to cover one third of its 20-year supply. And those are on greenfield sites. This is countryside. This is prime agricultural land. The mayor of Sandbach is in the Chamber today, having come directly from 10 Downing street, where he presented a petition objecting to the Government's policies.

There is then the unclear procedure surrounding the requirement for a five-year supply of housing. That is simply unjust. The primary reason for the two appeals granted last week was that Cheshire East apparently is unable to demonstrate a five-year housing supply, and yet the council told residents months ago that it had developed a robust strategic housing land availability assessment, which would satisfy requirements for a five-year housing supply.

Who is right—national Government, through the inspectorate, or local government? How was it that Cheshire East could say that it had demonstrated a five-year supply if clearly it had not? Is there no means by which such statements can be validated with central Government before they are made? Surely the only way cannot be for the strength of such a supply statement to be tested on appeal, because it adds insult to injury for thousands of pounds of local taxpayers' money to be spent on such appeals, when it could be spent on meeting local people's needs. There is so much confusion regarding the requirements that injustice is being introduced into our communities, particularly because there are other sites—brownfield and non-brownfield, including in Sandbach—that the local community have already said that they will accept for development.

That brings me to my next point. It is wholly wrong that people in the towns of Alsager, Congleton, Middlewich and Sandbach in my constituency were offered the opportunity and funding under the Government's neighbourhood plan front-runner schemes to develop neighbourhood plans, only to find that those town plans count for absolutely nothing, in terms of the Planning Inspectorate's decisions regarding appeals against developments.

The situation is also producing inconsistent decision making. Just last week, when two developers' applications were accepted for Sandbach, we had a refusal for a site at Sandbach road north in Alsager. That was despite the inspectorate acknowledging the lack of a demonstrable five-year supply of deliverable housing in Cheshire East, and apparently, according to my interpretation, giving weight to the draft Cheshire East local plan, which other decisions refused to do. It stated:

"It would seem wise in this part of the borough not to proceed with development which would go beyond the draft strategy at this stage."

The inspectorate also rejected the developer's appeal on the grounds that it is in open countryside, and that harm to it would be significant and demonstrable. But so it would be to Abbeyfields, Congleton road and Hind Heath in Sandbach, which have already been



granted. We really need clarity on these issues. How long should a local plan realistically take to develop? We pride ourselves in this country on clear and speedy delivery of justice. We say that justice delayed is justice denied. We talk about the rule of law. And yet, in planning, we could not have murkier, muddier waters. That is simply unfair.

Our local authority has been working for three years on a local plan. What has gone wrong? Why does the draft plan that was prepared last year, which was the subject of a six-week public consultation, now have to be radically altered and be the subject of a further public consultation, while all the time, developers rub their hands with glee and take advantage of that void? Will the Minister provide whatever assistance is required for Cheshire East council from a senior planning adviser to ensure that there are no further delays or confusion regarding what is required to get our local plan through? My constituents have had enough.

I also ask the Minister to ensure that we have clarity on our five-year housing supply numbers, and that a clear message is sent to the people of my constituency, as I have sought to provide for three years, giving them every and any necessary and available means of help to resolve those issues. My constituents simply cannot understand the situation. They feel angry, in despair, ignored, impotent as regards the plans for development of their own communities, and without any democratic recourse, as one has said to me, except the ballot box.

On behalf of the Under-Secretary of State for Education, my hon. Friend the Member for Crewe and Nantwich (Mr Timpson), I confirm that he, too, has been working tirelessly with planning action groups in his constituency, which is adjacent to mine, and also in Cheshire East. He recently arranged for the Planning Minister to speak to those groups so that they could hear the advice that the Department had for Cheshire East council on resolving the adoption of the local plan and housing supply. I would appreciate that advice and clarity being given today in the Minister's response.

**Mr Dai Havard (in the Chair):** Thank you. Mr Brady will take over from me shortly. I ask you to temper your enthusiasm with the pessimism of the intellect, and look more towards six minutes than seven for your future contributions. We now move back to the west midlands and Mr White.

2.59 pm

**Chris White (Warwick and Leamington) (Con):** It is a pleasure to follow my hon. Friend the Member for Congleton (Fiona Bruce), who gave a passionate speech. I also start by thanking my hon. Friends the Members for Tewkesbury (Mr Robertson) and for St Albans (Mrs Main) and my right hon. Friend the Member for Arundel and South Downs (Nick Herbert) for securing this important debate. As we can see from the speeches that we have heard so far from around the country, this is an issue that affects so many of our constituencies.

During the past two years, Warwick district council has been seeking to create a new local plan that will guide the development of our community for the next 18 years. That is a hugely important document, but it has been mired in controversy and opposition since it was put forward. That highlights some of the problems

in the current planning system. The local plan has been controversial because of the number of homes that have been proposed by the council, as well as their concentration and location. First, the scale of the proposed housing development is enormous. The local plan outlines the building, during the next 16 years, of more than 12,000 homes, in addition to the 6,000 that we built between 2001 and 2011. That would increase the number of dwellings in Warwick district by about 20% during the next two decades.

[Mr GRAHAM BRADY in the Chair]

The "Strategic Housing Land Availability Assessment" compiled by the council has indicated that the total capacity of the district is about 13,000 dwellings between 2014 and 2029, so the proposed local plan would use up 91.8% of the total capacity. Planning is something that we must consider over the long term. Once homes are built, we cannot turn back the clock to change the mistakes that we have made, so we must consider the long-term sustainability of our planning decisions as a whole. How can it be sustainable to build so many new homes and to use up so much capacity?

The concentration of development is also a deep concern and raises questions of fairness. The majority of the new properties will be in the area south of Warwick, Leamington and Whitnash, with 70% of the new homes being placed in that part of the district. That is despite the fact that there has been, and continues to be, a considerable amount of housing development in that part of the district and there are already concerns about the impact that the proposals will have on local infrastructure. I do not believe it is fair that such a concentration is allowed in that part of the district. Residents of those areas are rightly angry about the sacrifices that they are being asked to make in order to allow the development of so many new homes.

I shall take this opportunity to urge Warwick district council, once again, to pause the local plan process and start discussions with local residents so that we can build a consensus on creating a sustainable future for our community. During the process, in the lead-up to the preferred options being outlined by the district council, it was clear that residents did not want to have that number of homes and that they wanted development to take place primarily on brownfield land, rather than greenfield land as is proposed. That will have an impact on the wonderful Warwickshire countryside. Our area has a large percentage of green belt, and I do not believe that we should develop on green-belt land. However, that does not give the local authority an excuse to concentrate developments on non-protected greenfield sites. If our district was 95% green belt rather than 80%, would that mean that all development would be concentrated in the unprotected 5%? Surely it would make sense to adjust the scale and ambitions of the development, rather than to ram through such large developments, which take no account of this situation.

However, the views to which I have referred have not been consistently accepted by the council to date. As a result, public confidence in it has been damaged, and that will undermine future efforts by the council to undertake consultations on new developments or infrastructure. I appreciate that councils have an obligation to ensure that there is enough housing to meet demand in the future, but I also think that we need to ensure that

[Chris White]

that obligation is met in the right way. I do not believe that Warwick district council has so far acted in the right spirit during this planning process.

I believe that the Government have done the right thing through the Localism Act 2011 to try to ensure that communities have greater control over planning matters. However, we also need to ensure that the process is carried out in the right way, in empathy with such localism, that councils do not ride roughshod over the desires of local people, and that the principles of localism are delivered on the ground.

The best way forward would be for the Government to get each local authority to sign up to a national planning compact that outlines how councils are expected to carry out their consultations on planning matters; the role that local communities should have in co-producing proposals such as the local plan; and best practice in terms of planning processes that have been carried forward and that have brought communities with them. Having such a compact would ensure that each local authority was taking a long, hard look at how it was developing its local plan.

We must have a system whereby people feel that they have ownership of the planning process and whereby they can have confidence in the decisions that are reached. That will ensure that we create plans that have the support of residents, are in the long-term interests of our community, will address real housing needs and will almost certainly create local economies that grow and prosper.

3.5 pm

**Julian Sturdy (York Outer) (Con):** It is a pleasure to serve under your chairmanship, Mr Brady, and to speak in this very important debate. I congratulate my right hon. and hon. Friends on securing it. Like many other Members, I would like to highlight some of the concerns in my constituency.

York, like so many other towns and cities across the country, is surrounded by green-belt land, which is vital in preserving and enhancing its character and setting. It is as important to the identity of our great city as the Gothic minster, the Roman walls and the National Railway Museum. To my mind, it is an essential part of York's DNA.

However, the very fabric of what makes York such a great and beautiful city is under threat from the misguided plans of the local authority. The City of York council published its draft local plan in April of this year and, to the utter dismay of many of my constituents, the plan proposes to take 1,400 acres out of York's green belt and build 16,000 new homes on that land during the 15-year life of the plan. As if that was not enough to satisfy the council's appetite for green-belt land, a further 1,000 acres will be removed from the green belt and safeguarded for future development. Sadly, the plan does not stop there. The council has also proposed more than 80 additional Traveller and showpeople pitches, all in inappropriate locations, on green-belt land, in quiet rural communities such as Dunnington, Knapton and Huntington in my constituency.

The icing on the cake is that the council is also pursuing its plans to destroy the open countryside that surrounds our great city with 40

"areas of search for renewable electricity generation",

covering vast swathes of green-belt land in my constituency. It was, until recently, pursuing those sites as potential wind farms. However, due to the unsurprising lack of sufficient wind speed in the Vale of York—something that was obvious to most local people, but that the council and the local taxpayer-funded studies failed to pick up—I have now been given the impression from the council that it is considering solar farms on the sites as an alternative.

I am therefore speaking on behalf of my constituents in welcoming the recent announcements from the Minister of State, Department of Energy and Climate Change, my right hon. Friend the Member for Bexhill and Battle (Gregory Barker), about the Government's determination to crack down on inappropriately sited solar farms in the countryside by introducing the solar road map. I urge the City of York council to consider very carefully what the Minister has been saying on the matter and not to ignore the views of local residents.

Turning to the important issue of housing supply, I want to make it clear that, like many right hon. and hon. Members here today, I fully support the decision to scrap the rigid, top-down housing targets in the regional spatial strategies. The Government should be congratulated on doing that. However, three years on, there remains confusion among some local authorities about what housing targets are appropriate.

Some local authorities surrounding York are reducing their targets from the levels that they were at in the now redundant regional spatial strategy. Meanwhile, York, which is currently controlled by Labour, is proposing to increase its old housing targets by more than 40%. In doing so, the council is placing itself completely at odds with the guiding principle behind the modern planning framework—that development should always be sustainable.

York is an historic city in which the local infrastructure is already under strain. Adding tens of thousands of new homes will mean tens of thousands more cars on an already congested road network and thousands more pupils trying to gain entry to our excellent but already oversubscribed schools. That is not to mention the drainage and the strain on existing health care facilities.

With approximately two thirds of the council's overall housing projections to be allocated to York's established green belt, I am deeply concerned that the plan will push our already creaking local infrastructure to breaking point. The council has provided no guarantees that it will help secure the investment we need in our local infrastructure. It clearly believes the local plan will result in economic growth for York, but having investigated the issue, I fear that putting the cart before the horse and failing to guarantee the infrastructure investment York already needs will lead many of the city's leading employers to question in the long term whether York is still a suitable base for their businesses.

In its current form, the plan has the potential to end in disaster for York on the economic stage. That is why I entirely agree with my right hon. Friend the Member for Arundel and South Downs (Nick Herbert) that the requirement for infrastructure must be considered when granting planning consent—something that, to be frank, is blindingly obvious. I was reassured by the pledge from the former Minister of State at the Department, the right hon. Member for Tunbridge Wells (Greg Clark), that the requirement would form part of the planning



guidance. I hope, therefore, that the omission will be rectified, as York's future viability as a centre of commerce and enterprise could depend on it.

Local authorities that press ahead with unsustainable housing plans must be stopped and compelled to consider whether they have the necessary infrastructure in place; if not, they should change their plans accordingly. Equally, we must ensure that the important principles of sustainability and green-belt protection remain central to the national planning policy framework and that our local authorities understand that that is the case. Otherwise, I fear that the towns and cities we are proud to represent will change out of all recognition.

In summary, the tension between our local planning authorities and the planning inspector is twofold. Where councils produce reasonable, appropriate and sustainable local plans, we face the problem of planning inspectors overstepping the mark and making unreasonable demands. In areas such as York, however, we appear to face the opposite problem, because the local authorities propose to decimate our open countryside and change it out of all recognition. I therefore reiterate that it is vital that we have a strong and fair Planning Inspectorate to protect our communities and countryside from unsustainable development. That means that infrastructure must be at the heart of any considerations.

3.12 pm

**Harriett Baldwin (West Worcestershire) (Con):** I, too, congratulate my right hon. Friend the Member for Arundel and South Downs (Nick Herbert) and my hon. Friends the Members for Tewkesbury (Mr Robertson) and for St Albans (Mrs Main) on securing the debate.

The issue of planning also fills my postbag. I represent the thriving, beautiful constituency of West Worcestershire, which has one of the highest ratios in the west midlands of house prices to average earnings. It is also the birthplace of Elgar, and its countryside inspired much of his music.

Despite all the valid concerns colleagues have raised, I think we are in a much better place on planning than we were under the Stalinist diktats of the right hon. Member for Kirkcaldy and Cowdenbeath (Mr Brown), and I agree with colleagues who have welcomed the abolition of the regional spatial strategy.

Shifting local planning decisions to councils, which makes so much democratic sense, has raised a range of issues. I particularly welcome the Government's introduction of neighbourhood planning. In the Malvern Hills district, the parishes of Kempsey, Clifton upon Teme, Leigh and Bransford, Alfrick and Lulsley, Martley, and Knightwick and Doddenham have all had their neighbourhood areas approved.

When we discuss planning, however, one thing that strikes me is that the beautiful villages we all love—in my area, I have the villages around Bredon Hill, the town of Pershore and the towns and villages of the Malvern Hills district—all grew up without our current planning regulations. Ironically, however, we would not be able to build those communities under today's planning rules. Their growth tended to be more organic and more bottom up; people built their own homes on their own land, which they had bought for that purpose. When the Victorians became concerned that Great Malvern was encroaching far too much on the Malvern hills,

they established the world's first conservation area by Act of Parliament in 1884. Since then, the hills have been owned for the common good by the Malvern Hills Conservators charity. That organic approach has worked well for this country for the thousands of years there have been settlements in Worcestershire and elsewhere. That is why I am so supportive of the recent changes to the planning system, which move us back in the direction of the village and the neighbourhood, while embodying the countryside protections pioneered by the Malvern Hills Conservators.

In south Worcestershire, we may be a bit further ahead on our local plan than other colleagues are on theirs. Our three local councils—Worcester City, Malvern Hills and Wychavon, which my hon. Friend the Minister visited recently—have been working in partnership for many years to develop an ambitious and sound local plan. After the 2010 election, they presciently commissioned expert projections of population growth and perhaps got a head start on some other council areas. Their evidence base is now more up to date and fresher than those in some other parts of the country.

All three local councils democratically agreed the plan last December. I can assure hon. Members that that was not without a great deal of controversy, but one factor that encouraged councillors to vote in favour of the plan was that it would allow them to be in control. The south Worcestershire development plan has much more up-to-date and adequate five-year land supply numbers and such ambitious plans for employment land that we are getting complaints from Birmingham councils.

When I say the plan was democratically agreed last December, people complain that a bit of whipping was involved. Well, I hate to tell my local councillors this, but Whips are often involved in democracy here in Westminster. However, despite the vote last December, it took a further five months to send the plan to the inspector for the examination in public and another few months for him to decide on his inspection plan and timetable. The inspection has just got under way, and I would not be surprised if it took the inspector well into 2014 before he recommends adoption.

I want this period of uncertainty to be over, so that we can move forward with the construction, growth and jobs embodied in the plan. A delay of 18 months to two years is too long, and it undermines the local democracy of the vote in December. As the Minister knows, I and the leader of the council in my area have written to him. I have also written to the local planning inspector urging him to respect the local plan unless there are actual factual inaccuracies in it. The inspector has written a helpful reply, assuring me that he will seek to complete his inspection as soon as possible, subject to the legal requirements on him. The Minister has also responded constructively.

Here is my wish list of four things I would like to ask the Minister for. First, as he finalises his latest national planning practice guidance, which will set out the exceptional circumstances in which a refusal may be justified on the grounds of prematurity, will he try to ensure that the democratically agreed plans that have emerged will get almost full weight in any decision making, allowing the fresh evidence base and the numbers in the plan to be used, unless the inspector sees actual errors of fact, rather than just a divergence of opinion?

[*Harriett Baldwin*]

Surely the future of the area should be entrusted to south Worcestershire councillors, rather than shaped by contesting opinions—they will only be opinions—from Birmingham and elsewhere?

Secondly, may I ask the Minister for his thoughts on how we as MPs can best support emerging neighbourhood plans? I love neighbourhood planning, which is an excellent way of giving power to local people and bringing back an organic approach to planning, reducing the need for vast swathes of land to be swallowed up by urban extensions. Thirdly, can we reassure villages that, once they have agreed their neighbourhood plan and won a vote on it in a referendum, it will take precedence over the local plan, even if that has been adopted?

Finally, what can the Minister say to the octogenarian farmer in my local area who lives in a draughty five-bedroom home and who wants nothing more than to build a bungalow in the field next door for the final years of his life? Under today's rules, such building is prohibited in open countryside. If there is a neighbourhood plan, will my farmer have any hope that he can build his bungalow?

Once again, I congratulate my right hon. and hon. Friends on securing the debate, and I thank you, Mr Brady, for allowing me to pass on the concerns of my constituents in the glorious area of West Worcestershire.

3.19 pm

**David Rutley (Macclesfield) (Con):** It is a pleasure to serve under your chairmanship, Mr Brady. I am grateful to the Backbench Business Committee for securing the debate, and I congratulate my hon. Friends the Members for Tewkesbury (Mr Robertson) and for St Albans (Mrs Main) and my right hon. Friend the Member for Arundel and South Downs (Nick Herbert) on making sure that we have a debate on such an important subject. The fact that there are so many of us here shows that there is a need for a debate, and I am sure that the Minister is taking copious notes.

As others have said, the debate is a critical one. It is about balance: getting the housing supply right—we have a growing population, so that is an important priority—and protecting the countryside at the same time. We need to provide more houses, but also to protect our natural assets—and they are assets. Our countryside helps to define our communities, making them distinctive. It provides agricultural land and draws in visitors, which boosts tourism in towns and villages. Those things are valuable assets and need to be protected. It is important to underline the point that the debate is not about quaint rural traditions threatening to block housing development; it is about economic effects on the macro-economy and on communities, businesses and residents. That is why it is important to make the right decisions.

In east Cheshire we understand that it is a critical matter to get the local plan in place. The move to become a unitary authority, and the time taken to integrate services previously provided by other local authorities, initially slowed progress, but we got back on track quickly and a huge amount of work has now been done to shape the plan. Successive rounds of public consultation have been undertaken, at pace. Like

my hon. Friend the Member for Congleton (Fiona Bruce) and the Under-Secretary of State for Education, my hon. Friend the Member for Crewe and Nantwich (Mr Timpson), I have attended many public meetings and met many community groups, so that I could understand their concerns better and help to shape and refine the plan.

I am pleased to say that the residents of Macclesfield are not shy about coming forward with their concerns. That is a good thing, and means that there has been rigorous and challenging debate. I commend those who have taken part in campaigns about south-west Macclesfield, Fence Avenue and Lark Hall, to name a few, for the way in which they engaged elected representatives and clearly expressed their views. I know that the final local plan will be much better for that. We recognise in Cheshire East, and in Macclesfield in particular, that the local plan urgently needs to be signed off to stop unwanted speculative housing developments, as my neighbour, my hon. Friend the Member for Congleton, so clearly articulated. At the moment they are a particular challenge in the south of the borough. In Congleton and Crewe work is going on tirelessly with Cheshire East council and residents to stop them, and I fully support that work.

We need to get the local plan set up, and are working hard, but we need the Minister's support and advice to get the right plan signed off. I am, like other hon. Members, grateful for the Minister's efforts to understand the issues on the ground better. I am pleased that he recently went to Cheshire to speak to residents. I am also pleased and grateful for his meetings with me and colleagues to hear about our concerns and challenges. As he knows, one key issue is defining what housing is required in our five-year housing supply. At the moment that is holding us back. As my hon. Friend the Member for Congleton pointed out, sites have been identified in our draft plan that can be developed. There is a difference of opinion between the councils and the inspector as to what the figure should be; that is what needs to be unblocked so we can move forward. I urge the Minister to use his good offices to help resolve the situation and clarify what the target should be, so that the plan can be concluded and unwanted, speculative house building can be stopped in the borough. That is a vital priority, as I think the Minister knows.

For all the hard work that has been done to shape the plan, there are other questions that urgently need an answer. Like many Macclesfield residents I understood that we were close to finalising the plan and that its focus was on housing developments to 2030. I think that the Minister may be a little surprised to know that I found out a few months ago that Cheshire East council officers were now under the impression that they had to work towards a planning horizon not of 2030—which by most people's standards is, I think, quite a long time horizon—but 2050. That has completely slowed down the process. How can we have a view and a sense of purpose in relation to a time horizon of not 17 but 37 years?

The new requirements have major implications, particularly for the northern part of the borough. In communities such as Macclesfield and Poynton, which I am proud to represent, the news led the council to highlight green-belt land as supposedly "safeguarded for development"—not to be confused with safeguarding



it from development, which is very different. The designation could be applied to large areas such as south-west Macclesfield, where up to 3,000 houses could be developed.

We have all worked hard to ensure that the green belt around Macclesfield and nearby communities is protected in the 2030 local plan. The green belt exists to protect the communities from urban sprawl from Manchester, and it is important for it to be kept that way. The Minister will understand the strong local concern—including mine—at the proposal to safeguard green belt “for development” to achieve housing targets for not 2030 but 2050. That situation is made even worse by the fact that there are no exceptional or compelling circumstances, which are a clear requirement in the national planning policy framework.

Will the Minister take this opportunity to set the record straight and tell the House whether showing how housing targets for 2050 will be achieved is a requirement for approval of a local plan? If it is not, will he also confirm that it will not be necessary to safeguard land for development, particularly in the green belt, beyond 2030? Macclesfield residents will be grateful for his views on those issues. They will affect green-belt areas that are vital to the fabric of the community, and will address the concerns of hundreds of residents who could become victims of a planning blight that I believe and hope is completely unnecessary.

3.26 pm

**Damian Hinds** (East Hampshire) (Con): It is a great pleasure to see you in the Chair, Mr Brady, and to follow my hon. Friend the Member for Macclesfield (David Rutley). I congratulate my hon. Friends the Members for Tewkesbury (Mr Robertson), and for St Albans (Mrs Main), and my right hon. Friend the Member for Arundel and South Downs (Nick Herbert), on securing this important debate, which is particularly important to residents of East Hampshire—especially, at present, residents of Four Marks, the parish of Medstead, Liphook, Alton, Petersfield and the area in and around Bordon and Whitehill. I want to focus on two aspects of the issue that my right hon. Friend the Member for Arundel and South Downs set out clearly and convincingly: the need for recognition of in-progress plans; and the insistence on accompanying infrastructure where permissions are granted.

Like those of many other areas, our plan was stopped in its tracks. In our case it was stopped at the stage of the joint core strategy between East Hampshire district council and the South Downs national park authority, and we now find ourselves in the void period that many hon. Members have spoken about, which can last a long time. The concern is that in that long time, until things are finalised, there is a risk—we already see the signs—of a flood of speculative applications.

I should say that East Hampshire district council is not anti-development, and nor am I. There is concern that the average first-time buyer in East Hampshire is 40 years old, and that the average home costs £321,000. We also recognise the need for market towns and villages to have vibrant, diverse communities. If we want to save what is left of our village pubs and shops, we need people to work in them, and our small primary schools need young families with children to go to them. The council also supports a substantial development on

former Ministry of Defence land at Whitehill and Bordon; my hon. Friend the Member for Banbury (Sir Tony Baldry) spoke about his area's eco-town, and this is ours. In the case of Bordon, the development will add 2,700 homes. East Hampshire also has a very ambitious self-set target for affordable homes.

In its interim housing statement, in this void period, East Hampshire reflects the revised strategic housing market assessment, or SHMA—I think I am the first speaker this afternoon to say that, although I know that my hon. Friend the Member for Congleton (Fiona Bruce) mentioned the SHLAA—the strategic housing land availability assessment. The SHMA called for between 500 and 650 homes per annum, and East Hampshire is working towards the figure of 582, which is of course in the top half of that range.

In some places, the speculative applications and pre-application interest shown already exceed the targets in the areas and villages concerned for the period until 2028, and in my constituency that is especially true in Four Marks, the parish of Medstead, Alton and Liphook. There has also been significant interest in Petersfield, where a neighbourhood plan is in development; we expect the referendum on that next year. I suggest to the Minister that where a council is making proactive efforts, once the number of houses called for in the interim housing statement—in our case—has been reached in a particular area, it ought to be possible to say, “No more.”

A complication is that part of my constituency is in a national park—the relatively newly formed South Downs national park—and other parts have special protection area status, which leaves people who are in neither feeling somewhat exposed. We need a balance of development and a balance of community throughout the area. I strongly suggest that the elected local council is best placed to determine how the balance should be struck, and the interim housing statement seems to be a good way to express that. In general, residents' concerns are twofold: first, they are concerned about the general scale of development and its implications for the character of an area; and secondly, they are concerned about the infrastructure deficit. Already, certain parts have seen significant infrastructure deficit. Four Marks has experienced a great deal of development, and needs commensurate infrastructure to ensure safety on the main road—the A31—sufficient primary places, and so on.

The approach is meant to be plan-led, so Ministers rightly say that the best thing that everybody can do is get on and make their plans. That is of course correct, but the plan process seems to take inordinate amount of time, from beginning to end, and there must be ways to accelerate elements of it. We must recognise that many councils are not at the end of the process and find themselves in this void period. A large proportion of plan submissions in the first year of the national planning policy framework were found to be not sound. I therefore join strongly in the calls to make it explicit that infrastructure requirements should be met if permission is to be granted, the calls for emerging plans to be recognised, and the calls to find ways to speed up the whole process.

I shall strike a slightly different tone on the overall need for housing. I recognise that we need housing—the Office for National Statistics figure is 232,000 homes per year—but what is not necessarily well understood is that that is not all, or even nearly all, about immigration. If we strip out future net migration, the projected

*[Damian Hinds]*

requirement is still 149,000; people are living longer; households are smaller, for all sorts of wider social reasons; kids live away at university and have a place at home; hardly anyone has a lodger anymore; and so on. There are lots of pressures, and they will not go away. The south-east will over-index on that pressure, and we must accommodate it but also mitigate it.

I encourage the Minister to work with councillors on how, on a relatively small scale in our local areas, we can do more about the conversion of redundant agricultural buildings; make granny flat conversions easier; work on empty properties, as my hon. Friend the Member for Tewkesbury said; and take up small-site opportunities, as my hon. Friend the Member for Castle Point (Rebecca Harris) said clearly. An interesting point in the Portas report was about the opportunity to concentrate town centres. That has the benefit of freeing-up space on the relative periphery for residential development. On a bigger scale, there are new towns, but perhaps the biggest opportunity of all is the one touched on by my hon. Friend the Member for Pudsey (Stuart Andrew): we should not only build higher-density, in-town living, but make it attractive. Some of the most sought after areas of the country are high-density, which proves that it can, in principle, be done. I see that I am out of time, Mr Brady, so I will stop there.

3.34 pm

**Andrew Bingham (High Peak) (Con):** I congratulate my hon. Friends on securing this debate. We can tell by the attendance today, and from our postbags, that the subject is of great importance to Members and our constituents. It follows on from a 30-minute debate held in Westminster Hall some time ago, in which, because of sheer weight of numbers, the time limit was very restrictive. Today we have been given double that limit—six minutes.

I spent 12 years on the local council, and planning exercised my residents more than anything else, and as an MP, I find a similar situation. The creation of the NPPF has simplified the planning laws, which had become complicated and burdensome. Like many others here today, I supported sending the power to rule on applications down to local authorities. As a councillor on the planning committee, I felt many times that we were rubber-stamping central Government policies on development. That was frustrating to me and my residents, because they believed, as I did when first elected, that the local authority was the sole arbiter on applications.

As previous speakers have said, I look forward to a brave new world under the new NPPF and local plans, where locally elected representatives make the decisions that impact so much on local people, but I, too, am concerned about recent events. My constituency, High Peak, is the most beautiful in the country, though I am biased. I am sure that others will disagree. As I said in the previous debate, there has been a proliferation of significant applications for development on greenfield sites. They have been refused by the local authority's planning committee on perfectly legitimate grounds. This is not a case of nimbysism at all. The decisions were met with great approval, and in some cases relief, by local residents, who felt that their views had been represented by the people for whom they had voted.

I want to be clear: the High Peak is a great place to live. I am lucky, as are my constituents. We know that many people would love to live in the High Peak. We are not of the mind that says, "We have our housing and we're going to pull the ladder up. We're all right, Jack." We acknowledge that there is a need for some housing. My constituents have young children and teenagers. There are people in their early 20s who want to stay and live in the High Peak. There is a housing need, which I touched on in my Adjournment debate last week on the challenges facing rural businesses. We need houses for people to live in, so that they can work in the High Peak. No one I have spoken to disputes that there is a need for housing. My constituents would accept development, provided it was proportionate.

Recent decisions by local councillors, who, I remind everyone, are elected by local people, have been overturned by the Planning Inspectorate, which is not. That flies in the face of everything that we believe about localism. I have spoken to many residents, who are seeing more applications coming forward, with the threat of ever larger developments. In my previous speech on the subject, I highlighted the area of Harpur Hill and the concerns of its residents' association. I will not repeat the statistics, because time is short and they are in *Hansard*, but as I said in my previous speech, the problems facing Harpur Hill are mirrored in other areas of my constituency. As the Minister knows, Chapel-en-le-Frith parish council now objects to every significant planning application, after several applications have already been given the nod. If all of them were built, the size of that small village, where I live, would increase significantly, beyond what many believe the infrastructure could cope with.

I could run through a list of applications in different parts of my constituency, but we are not at a planning meeting today. My constituents are asking questions about the applications and the method of approval. Are they powerless to prevent approvals? Can they at least ensure that there is some sense of proportion? Proportion is what they are asking for. I am sure that the Minister will respond that local plans should be drawn up, and planning policy should be defined in documents and properly evaluated. My local council has yet to produce its local plan; indeed, it has delayed its anticipated completion. In 2011, the controlling Labour group rejected proposals from the Conservative group to use some underspend to bring forward brownfield sites. It has now belatedly allocated some extra resources to that. Delaying the local plan has created a window of opportunity for developers. I could easily turn my contribution into a tirade against the Labour group and its management of the local authority. I have met the executive member to discuss the situation; he has his views and I have mine.

I want to deal with the harsh realities of the here and now. No local plan has been completed, and developers are submitting speculative applications time after time—applications that may have been refused in the past. They see from previous examples, which I highlighted today, that the Planning Inspectorate appears to be unmoved by local representations. I repeat that this is not nimbysism; my constituents and I are not against development. It is about proportion. A well-constructed local plan should bring in proportion, but at the moment the Planning Inspectorate does not listen to our views.



I am pleased that the Minister has agreed to visit the High Peak. I promise him a warm welcome in the hillsides. We can have an interesting day. There has been a dearth of houses built in the past few years, and that has created the shortage facing us today, but I am concerned that in our eagerness to deal with that, we are being too hasty, and will be left to repent at leisure. I have asked the Minister this question previously, and I will repeat it today: will he not seek to give more weight to emerging plans? I know that that may amount to making up for the shortcomings of the council, but I am looking to assist my constituents.

I am looking at the clock; time is short, and I could go on to several other issues. A consultation on the latitude in permitted development rights for agricultural buildings closed recently. The Peak District national park covers a large chunk of my constituency. I value that national park greatly, as I know the Minister does—he has gone on record on this. People are concerned about that proposal. There was also a consultation on catching up on housing deficits, and having to reduce them in the first two or three years. That will cause huge problems to local authorities if we are not careful.

I plead with the Minister: listen to what we have all said today. We are all on a common theme: we need houses. We know that under the previous Government, the numbers were woefully low, but let us get some proportion. The essence of localism is local decisions made by local people. That is not happening in the High Peak, and, from what we have heard today, it does not appear to be happening in other areas of the country. I would therefore like some assurance from the Minister that something can be done for my constituents. Harold Wilson once said to Hugh Scanlon,

“get your tanks off my lawn”;

the people of High Peak are saying to developers, “Get your bulldozers off our fields.”

I look forward to welcoming the Minister to High Peak. My residents are eager to see him. I hope that he will come soon. It is very cold and high where I live, and we will get a lot of snow soon, so I recommend that he comes as soon as possible.

**Mr Graham Brady (in the Chair):** Hon. Members have all been so disciplined in their time-keeping that we have lots of time for Front Benchers' responses. However, I am keen to reserve at least a couple of minutes at the end for the hon. Member for Tewkesbury (Mr Robertson) to respond, if he wishes.

3.41 pm

**Roberta Blackman-Woods (City of Durham) (Lab):** It is a pleasure to serve under your chairmanship again, Mr Brady. This debate is primarily for Back Benchers, so I had intended to keep my remarks fairly short. I think I should do that and give the Minister lots of time. I congratulate the hon. Members for Tewkesbury (Mr Robertson) and for St Albans (Mrs Main) and the right hon. Member for Arundel and South Downs (Nick Herbert) on securing a lively debate on what is clearly a serious issue, given the large number of Members present.

I hope that hon. Members will forgive me if I do not go through their contributions individually, because that would take up a great deal of time. They spoke

passionately about their own areas. There clearly is a major issue across the country. I was pleased that a number of their remarks were not based on just being anti-housing. There was a sound recognition that we need more housing, but concern was expressed about the sites that have been identified for building houses. I was pleased to see a commitment to plan-making and place-shaping, because they are an important part of the solution to some of the issues that have been raised today. Hon. Members also produced a wish list. I am probably going to add to that a little bit, but I hope not too much.

We know that we need more housing, including in rural areas. In order to secure a typical mortgage, a rural resident needs to earn £66,000. With the average rural income standing at just over £20,000, there clearly is a problem with affordability. That exists partly as a result of insufficient supply. The situation in rural areas is part of a wider problem. For decades, under successive Governments, house building has stayed low relative to demand. I will hold my hands up to say that the previous Labour Government did not see enough houses built, but neither did the previous Conservative Government. Private house building completions in England have been relatively static for more than 30 years, averaging about 130,000 per annum. That is below the peak average of 180,000 per annum in the 1960s, and well below potential.

**Mrs Main:** The hon. Lady just said that the number of houses being built has been low or static. What about the number of permissions? I have not seen anything that shows that the number of permissions has been low or static. It is just the amount of development that developers are prepared to get under way.

**Roberta Blackman-Woods:** The hon. Lady makes a valid point. We know that a number of sites with planning permission never end up being developed. The point I am trying to make is that we must look seriously at the housing numbers that we need, particularly as we have a shortage, partly because we were not building enough in the past.

Private completions increased from 2003, with a steady improvement to 154,000 in 2007. However, they fell with the economic crash to 89,000 in 2012. In contrast, new affordable homes produced by local councils and housing associations, which averaged more than 130,000 per annum in the 1950s and '60s, have seen a steep downward trend since the 1970s. Production has averaged fewer than 30,000 per annum since the mid-1980s, falling to 13,000 in 2003. There has been some improvement since then, with new completions at 27,000 in 2009 and a similar number in 2012, due to the housing stimulus put in place by the previous Labour Government following the crash. However, the numbers produced are too low.

There is an ever-growing gap between supply and demand, which means that millions of hard-working people are increasingly priced out of buying their own home. Home ownership has declined from its peak in 2001—69%—to 64% in 2011. The average house price is now nine times larger than the average wage. The average low-to-middle income household would now have to save for 22 years to accumulate a deposit for the typical first home, compared with just three years in 1997. So-called second steppers are also being affected, with



[*Roberta Blackman-Woods*]

the average age for a second purchase rising to 41, despite 40% of families saying that their first home is too small for a growing family.

More than 1.1 million families with children, and 8 million people in all, are now part of what we are calling generation rent. They are paying private rents that are rising faster than wages and contributing towards a cost of living crisis. They face rip-off letting agent fees, instability and uncertainty as a result of short-term tenures, and sometimes poor standards and service. Many want to buy their own home but have little hope of being able to do so.

We must address the housing shortage. I absolutely agree with all the Members who have contributed this afternoon that development sites need to be identified by local communities, with a stronger emphasis on neighbourhood planning and putting consent at the heart of the planning system. I think that can be helped in a number of ways. I have often paid tribute to the Minister and his predecessors for introducing neighbourhood planning. We think that is probably the key in the medium and longer term to delivering the sorts of neighbourhood that we all want.

The issue is not just about housing. I think we will partly get consent when we stop referring only to housing numbers when talking about the issue. People want to see employment, proper infrastructure and leisure, and they want to keep their open spaces. The issue is about building communities, and we have to talk more about that.

We also need to do something about quality. I know from my constituency that people often get upset about the houses proposed, because they simply look awful: they are too small, or have various features not in keeping with the local neighbourhood. We need to get better at improving the quality of our housing stock. That is especially important in rural areas, national parks, areas of special scientific interest and so on. I am a bit concerned that the Growth and Infrastructure Act 2013 reduced some of the existing protections in areas of outstanding natural beauty and national parks. That is not a good thing; it is a step in the wrong direction. [Interruption.] I think that hon. Members might think that the clock is set for 4 o'clock, but we actually have until 4.30.

Will the Minister consider the Woodland Trust briefing sent to all of us about giving better protection to ancient woodlands and planting many more trees? Does he intend to monitor the relaxation of permitted development rights and use-class order changes to see what happens to the quality of buildings in rural areas as well as on our high streets? High streets are not part of this debate, but rural town centres would be relevant as well.

I am looking forward to hearing what the Minister has to say about the over-reliance on appeals that seems to have emerged as a result—probably a temporary one—of the national planning policy framework having been put in place before local plans were adopted. I am interested to know whether he has thought about that, or considered speeding up plan-making to reduce the reliance on decisions made by inspectors. Does he plan to strengthen the brownfield first policy, which the NPPF weakened, and does he intend to reform land

acquisition and assembly in accordance with some of the helpful suggestions made in this debate about opening up the land supply market for competition by a larger number of people?

**Mr Graham Brady (in the Chair):** The shadow Minister is quite right: it is possible, though not mandatory, for the debate to continue until 4.30.

3.52 pm

**The Parliamentary Under-Secretary of State for Communities and Local Government (Nick Boles):** It is a pleasure to serve under your chairmanship again, Mr Brady. In your other role as the chairman of the 1922 committee, I am sure that you are delighted to see so many of your flock here. I wish I could pretend that I thought so many of my hon. Friends were here because I am so popular in the party or because I am a compelling orator, but I recognise that the reason is the level of concern in the communities that they represent and the lack of comprehension in those communities about some of the decisions being made on nearby developments that matter to them. Those decisions seem to be visited on them from on high without explanation.

Many hon. Members have asked specific questions. I could probably take up all the time until the end of the debate just answering them, although I do not intend to do so. Instead, if it is acceptable to you, Mr Brady, and to my hon. Friends and other hon. Members, I will try to address all the issues and see whether I can answer specific questions in doing so. If, by the time we start edging towards the close of the debate, there are burning questions that I have missed answering, I will be happy to take interventions to answer them. However, I hope that I will be able to cover most of them.

I need not start by underlining the scale of the housing crisis faced by this country, the extent of the need for housing or the grief and hardship that the crisis is visiting on millions of our fellow citizens. My hon. Friend the Member for East Hampshire (Damian Hinds) described it eloquently when discussing the average age of the first-time buyer and the average house price in his constituency, and others have referred to the situation in their constituencies. The hon. Member for City of Durham (Roberta Blackman-Woods) set out clearly the roots of the crisis and the fact that Governments of all stripes share responsibility for it. I hope that we can take that as a premise that everybody agrees on.

**Mr Laurence Robertson:** The Minister used the word "crisis", but that is not a situation that I recognise. I would be grateful if he went into it in a little more detail.

**Nick Boles:** I will just recap some of the figures mentioned by the hon. Member for City of Durham and others. In the past year, the percentage of first-time buyers in England who were able to buy a home without their parents' help fell to its lowest level ever, under one third. Two thirds of all first-time buyers in England last year required a subsidy from their parents. By definition, that means that they came from a relatively narrow social group—those from relatively well-off families. Until we introduced the Help to Buy policy, the opportunity to become a first-time buyer had been denied to a large number of our fellow citizens.



Another key fact also mentioned by the hon. Member for City of Durham is that the average age of first-time buyers has crept up and up, and is now nudging 40 in many parts of the country, although of course there are parts of the country where the crisis is not so acute. It is intense within the south-east and the south, but there are also pockets in parts of Yorkshire, and it is just as intense elsewhere, around certain big cities.

**Mrs Main** *rose—*

**Martin Horwood** *rose—*

**Nick Boles:** If I may finish, we also know that the size of the homes in which families are forced to live has fallen steadily for several decades. The number of overcrowded families has risen and the amount of space in which young people must grow up has fallen for several decades for a simple reason: our population has grown and we have not built enough houses to keep pace with it.

That growth in population has had two main sources. One, which is contentious in the House and elsewhere, is immigration, which was uncontrolled for a long time. We as a party rightly criticised that, and are now doing something to control it. However, it is important to remember that the majority—about two thirds—of the growth in population and in the number of households in the country has resulted not from immigration but from ageing. One way that I ask people to think about it is by considering how many people now are part of families in which four generations are alive. Quite a lot of them are. It used to be rare to have a great-grandparent or great-grandchild in a family; it is now common, because people are living longer, and they do not all want to live in the same house. I could go on, but I know that time is limited.

**Several hon. Members** *rose—*

**Nick Boles:** I would like not to take interventions on the argument, as I have heard the argument from hon. Members. I will take interventions later if I have not answered the specific questions raised.

**Martin Horwood:** Will the Minister give way on that point?

**Nick Boles:** No, I will not take interventions on the argument; I will take them on the specific questions asked. I have sat here for two hours listening to the arguments from the Opposition, and I would like a brief moment to develop my argument.

**Housing need is intense.** I accept that my hon. Friend the Member for Tewkesbury (Mr Robertson) does not share my view, but many hon. Members do, and there are a lot of statistics to prove it. How are we going to solve the problem? My hon. Friend, whom I congratulate on securing this debate, referred to the country having 700,000 empty homes, which, he said, should be a priority for meeting the intense need for housing. Although I agree with the sentiment, unfortunately his figure does not give a true picture. The figure of 700,000 homes captures every home that is empty right now, including every home that is between buyer and seller and every home in probate.

I will, therefore, give him the true figure for homes that have been empty for more than six months, which I think we can all agree is probably the right figure for an empty home that could meet somebody's housing need in the long term. That number is 260,000 for the whole of England. It has fallen by 41,000 since this Government came into office in 2010. We are spending a great deal of money, and we and local authorities are working hard, to bring those empty homes back into use. It is important to recognise that many—not all, by any means, but many—of those 260,000 are in parts of the country where demand for housing is not as strong as it once was, not in parts of the country where demand for housing is great. I do not believe that a Government can tell people to go and live somewhere with no jobs and no future, just because houses have been built there. Empty homes can make a contribution and are doing so under this Government, but in the scale of need explained so vividly by so many, they are a small contributor.

We need to move to the question of brownfield sites. If it were possible, everybody in this country would prefer every new house to be built on a brownfield site. We would all love not to develop a single scrap of greenfield land if we did not need to. Therefore, the question is whether there is enough brownfield land to do that. The Campaign to Protect Rural England often bandies about the statistic that 1.5 million homes could be built on the available brownfield land. I am afraid that that figure is not entirely a fair representation, because more than half of that brownfield land is already occupied for another use—for example, with a house or factory on it. In theory, it might make good sense to use it for converted housing, but the people currently occupying and using it for another purpose would, by and large, have a view on that: if they own or use the property, they will probably not want to give it up immediately, and if they did give it up, where would they be employed? Having taken all that out, a large number of the remaining brownfield sites are in places where demand for new housing is not so intense. In many areas of most intense demand, the number of brownfield sites that have not been developed is relatively small.

I reassure hon. Members that nearly 70% of new houses in 2010, the last year for which figures are available, were built on brownfield land. We are still building more houses on brownfield land than on greenfield land. We are approaching the point at which the number of brownfield sites that are in the right part of the country and are vacant and available for housing development is too small to supply more than a small, although significant proportion—nearly 70%, but not more—of our need.

Another subject raised here and elsewhere by many hon. Members, including my hon. Friend the Member for St Albans (Mrs Main), is the amount of land banking in the country. We all know individual examples of sites that have been bought and for which planning permission has been given, but on which development has not happened. The question we have to ask is: why has that happened, what is the scale of that problem and what contribution would fixing that problem make to solving our intense need?

We must first recognise that that is true of many sites because developers bought them before the financial crash, secured planning permission in anticipation of



[Nick Boles]

the economic environment pertaining at the time and, frankly, could not raise the money to build out the site or, even if they raised the money to do so, could not find people to buy the houses. Ultimately, developers are businesses. Certainly in my party, which so many hon. Members here represent, we believe that businesses need to be free to make investments and bring forward projects, but should be forced to complete such projects only if they have a reasonable prospect of getting their money back and perhaps gaining a small return. That problem grew during the recession not because of developers' greedy behaviour, but simply because they do not want to build houses if there is nobody to buy them.

That situation led to an expansion in the scale of land banking, but let me tell hon. Members about the current position, because it has been reduced by the recovery in house building. The latest estimate is that the total number of units of housing in land banks throughout England is 500,000, but only half of that is on sites where building has not begun. From our constituencies, we all know that most housing developments of a scale greater than a dozen houses are not built out in one year, but sometimes in three or five years, because it is natural to do so. If all the houses were built in one place in one year, it would result in a strange development in which half the houses were sitting empty. That is how the house building industry works, and unless any hon. Member in the Chamber wants to nationalise house building, we have to live with that system.

Only 250,000 units are on sites that have not been started. That is a significant number, but the point is that it covers the whole country, including some places where demand is not sufficient to pull through supply. The Labour party has proposed to confiscate that land from developers, but will such compulsion really solve our housing crisis or lead developers to build more places where we want those houses? I am sure that that might make a contribution, as empty homes may, but I do not believe that it could solve the problem on its own.

On the whole question of local plans and the process that local authorities are asked to go through in putting them together, the fundamental basis of the national planning policy framework, about which many hon. Friends and other hon. Members have been generous, is that local authorities are in control because they have put in place a local plan. Doing the work of producing a local plan puts the local council, as the representative of the community, in control. The local plan has a very simple concept that is very difficult to deliver, which is that the authority has to provide a five-year land supply of immediately developable and deliverable sites to meet its objectively assessed housing need.

I understand that there are concerns. My hon. Friend the Member for Cheltenham (Martin Horwood) referred to an econometric model, and other hon. Members have spoken about the various methodologies. It is not unreasonable, however, for the Government to tell an authority, which is representing the people and has a duty to serve them, "Work out what's needed, and make plans to provide it." That is what we do with schools. We do not tell local authorities, "You can provide as many school places as you feel like"; we say, "Provide as

many school places as are needed." We do not tell the NHS, "Provide as many GPs as you feel you can afford right now"; we say, "Work out how many GPs are needed." The same is true of housing sites: we tell local authorities, "Work out how many houses will be needed in your area over the next 15 years, and then make plans to provide them."

Stuart Andrew rose—

Martin Horwood rose—

Nick Boles: I am happy to give way to my hon. Friend the Member for Cheltenham.

Martin Horwood: My constituents in places such as Leckhampton and Hatherley do not understand this: the econometric model is based not so much on need as on demand, which in areas such as mine—and St Albans and many other constituencies—is practically insatiable, so we will still have high house prices that are unaffordable for many first-time buyers in places such as Cheltenham, because we have good schools and shops, as well as a good local environment and good employment levels. If such areas are simply consigned to endless development, we will lose something very precious to local people and to the environment.

The problem with the Minister's scenario is that the issue is not about trying to stop all development—nobody has said that—but about wanting local people to be able to make some difference and have some say. The economic model for the assessed housing need or demand—

Mr Graham Brady (in the Chair): Order. I remind the hon. Gentleman that interventions should be short.

Martin Horwood: Sorry, Mr Brady. The model or whatever dictates that number should not be a be-all and end-all that nobody can influence.

Nick Boles: I want to reassure my hon. Friend that the process is not based simply on a measure of demand. It is not a matter of sending out a survey to ask people whether they fancy living in West Worcestershire. That is not how it is done; it is done on projections of population, of the number of households in which ageing is taking place and of the historical record and, therefore, the likely future trend of inward migration. That is the definition. The immigration figures are based on the past record. They are not just plucked out of the air as the number of people in the whole world who would quite like to live in Cheltenham. The model is based on an understanding of the pressure of demand from people who actually want to come to Cheltenham. They might want to move to Cheltenham to be near a job, go to college, or be close to their mum who is growing old on her own in a flat.

Martin Horwood indicated dissent.

Nick Boles: My hon. Friend shakes his head. I am happy for him to go through the modelling that is the basis on which this is done. I simply say to him that if he added up all the projections of housing need of all the local plans in the country, he would find that it would add up to a figure that is too low to meet the overall population growth of England. It is not, therefore, the



case that there are these hugely inflated demand figures being put into local plans, which add up to something way in excess of what we need; they are too low to meet our universal needs as a nation. Somehow, somewhere, we are not overestimating the need.

**Stuart Andrew:** In 2001, the population of Leeds was 715,000, and in the census of 2011, it was 751,000, but the estimate of the Office for National Statistics said that it would be 788,000, which is 37,000 more than actually happened. If we go on the same figures, Leeds will yet again be overcompensating for a population increase that will not exist, but it will have to have the five-year land supply, and to do that, it will have to go into the green belt. How does my hon. Friend marry up that problem that we and our communities face?

**Nick Boles:** My hon. Friend makes a good argument, and he has made a good argument generally, which he will have every opportunity to make in the examination in public. He will be able to say why he thinks that the projections done by his local authority are way out of line with any realistic possibility and to challenge those projections. He will be able to require the local council to demonstrate to the inspector the reasons it needs to supply those numbers, which cannot be that it is ambitious or that it is going for growth. If it has no good arguments or good evidence, there will be every reason for him to say that it is a plan to meet not need but ambition and dreams, which is a great and lovely thing but not what plans are meant to do.

A great many of my hon. Friends are concerned because they see that, in the absence of a local plan that has been fully adopted after an examination in public by an inspector, many decisions are being made that local people are not content with and their local authorities have opposed. It will be of no reassurance to them, but it is interesting that there is not a single person who has spoken in this debate who is from an area that has a recently adopted local plan. There is a reason for that: once there is a recently adopted local plan, the authority is then in the driving seat. It may well have gone through a process, as my hon. Friends the Members for Cheltenham, for Tewkesbury and for West Worcestershire (Harriett Baldwin) have—*[Interruption.]* No, let me finish my sentence. It may well have gone through the process of putting together that plan, which would be painful because it requires someone to carry out the contentious job of identifying the sites. Once the plan is in place, that is the point at which local authority decisions—*[Interruption.]* I hear lots of rumblings. If I could just finish the argument, I promise to take some more interventions. At that point, the authority will find that appeals are not going against it. I accept that there is a certain amount of scepticism about the figures, but I am giving Members the facts. In 2012-13, the number of planning appeals in which the inspector backed the local council and rejected the appeal was 67%. In 2011-12, it was 68%, and so far this year it has been 67%. In two thirds of all appeals, the inspector is backing local decisions, because the council has made local plans that meet the requirements, so it can be trusted to make its decisions.

**Sir Tony Baldry:** The Minister knows that, for historic reasons, almost half of all local planning authorities in England do not have an up-to-date local plan. They

started to get that going with the introduction of the national planning policy framework. I suggest that most of them are doing so with all due speed, as is evidenced by my local authority, which adopted its local plan on Monday. My concern, and the concern of many Members, is that the Minister and the Government are not giving any protection or taking any notice whatever of emerging local plans. As a consequence, they are not giving any consideration to the efforts by local communities and local councillors to ensure that they have robust local plans.

**Nick Boles:** I thank my hon. Friend for that. I understand what he is saying. It is difficult and painful, especially in an area of high demand, to produce that local plan. Many local authorities have been making excellent progress, which is why the number of local plans has risen from about 30% when the national planning policy framework was passed to more than 50% now, and many more will be adopted over the next few months. The difficulty is that there are cases—I am afraid that some of those cases are represented in the Chamber—in which the local plan, despite what the local authority might have said, does not meet the requirements of the Localism Act 2011 and of the national planning policy framework, and does not provide a five-year land supply.

In some cases, that is because local authorities put too many eggs in one basket. They identify one big site to which they attach a lot of hope value, and which might make a fantastic development, but which, in reality, has no immediate prospect of being developed. It therefore cannot count as a site in a local plan. Sometimes, they make estimates that a site will build out over two years, when it clearly will not do so in less than five. It is not surprising, therefore, that the inspector sometimes says, "I'm sorry, but that is not a robust plan, because the sites you have identified will not deliver what you say they will deliver in the established time frame." Then he asks the local authority to go back and revise the plan. That is happening in many local authorities represented in this Chamber, and is causing some of the frustration.

**Harriett Baldwin:** What, in the Minister's view, is the appropriate time between a council democratically agreeing a local plan and the plan finally becoming set in stone, as there is a very protracted period of inspection by a scarce national supply of inspectors?

**Nick Boles:** In general—I cannot comment on any particular case—one would hope that that would happen in about nine months. If it could be six, that would be great. It certainly should not be more than 12. In some cases—I am not suggesting that it is happening in West Worcestershire—the inspector, rather than saying that the plan will not meet the requirements, says that the authority needs to do a bit more work on it and then suspends the plan. That can be a good thing, because we do not want to see a lot of good work thrown away because one part of the plan has not been properly completed. That is sometimes what causes it to be delayed beyond the time frame. If everything is in order, it should be done within six to nine months.

**Mrs Main rose—**

**Nick Boles:** There are many questions that I have not yet answered, and there are only so many minutes left. I want to come on to the point of prematurity that some Members have raised. There is a difficult balance to be struck. One extreme would be to say that it does not matter how early stage a local plan is; as soon as an authority has started on a local plan, the draft policies, which have not yet been examined, consulted on or tested, should determine decisions. That is at one end. I understand that no one is suggesting that it should be at that extreme end. At the other end, we say that no weight should be accorded to a plan until it has absolutely finished the process.

The balance that we have put out in the draft guidance is that once a local plan has been submitted for examination—not completed or passed—it should carry significant weight if there are no substantial unresolved objections to parts of it. A neighbourhood plan has to pass a referendum, which is a big moment at which it might fail, and it starts to acquire weight when it has been presented to the local authority for what is called the local authority publicity period. I accept that both those stages are towards the end of the process. However, the difficulty if we try to move them earlier in the process is that—I promise you—developers will go to court, they will seek the judge's interpretation and they will say, "This plan hasn't even been consulted on. It hasn't even been tested by examination. How can it be the basis for a decision, when in every other way this proposed development meets all of the policies in the national planning policy framework?" That is the argument that they will make, and indeed it is the argument they are making in cases right now.

Therefore, it is not simply in the gift of Ministers to move that decision point through guidance; we cannot do that. We have to put it at a point that the courts will find reasonable as an interpretation of the requirements for a plan to be sound and robust. We have set it where we have because we think that is the most reasonable position, but I am very happy to invite colleagues here in Westminster Hall today to meet my officials to discuss whether there is a way of finding another time frame that would stand up in court. However, I would simply share with them the view that the bar that would stand up in court is a very high one, and I have concluded that the position that we have outlined in the guidance is the one that will not only stand up in court but provide some protection for those plans that have reached an advanced stage of development.

**David Rutley:** Notwithstanding the point that the Minister is making, can he confirm that the planning horizon currently is to 2030 and any talk of moving to 2050 is for the birds, to use a technical term? Would he also use his good offices, given that there is good will—particularly in Cheshire East—to conclude local plans, to bring the requisite expertise to enable us to get over this hurdle as quickly as possible?

**Nick Boles:** I am very grateful to my hon. Friend for reminding me of two very important specific questions, to which it is a great pleasure—and a rare one—to be able to give an answer that I hope is satisfactory. The answer to the first question is that there is nothing in the Localism Act 2011, in the NPPF or in any aspect of Government planning policy that requires someone to

plan beyond 15 years. So, anybody who is suggesting that there is any requirement to safeguard land or wrap it up in wrapping paper and ribbons for the future development between 2030 and 2050 is getting it wrong. There is no reason for it and my hon. Friend can knock that suggestion straight back to wherever it came from.

Regarding help for authorities, I will make an offer to everyone here in Westminster Hall who has an authority that is having difficulty resolving the final objections to a plan that is still in draft form. It is that I am very happy to ask officials in my Department and—perhaps even more usefully—the recently retired chief inspector and another recently retired very senior inspector to meet those authorities to help them, in a sense, to understand what are the practical things they have to do to get the plan to a point where it can pass examination.

I fully understand that there is a frustration, namely that people cannot negotiate with an inspector, because an inspector is basically like a judge; it would be like someone negotiating with a judge in court as to whether they will be found guilty or not. The inspectors cannot negotiate, but that is why we have created a resource within the Department that is able to provide that practical support, and I am very happy to offer it to Cheshire East and to other boroughs where it would be necessary.

*Several hon. Members rose—*

**Nick Boles:** I will move on to the infrastructure point; I am happy to take more interventions after that. That is because my right hon. Friend the Member for Arundel and South Downs (Nick Herbert), who spoke so passionately and so persuasively, as he has done so many times before, on this subject, raised a particular point about a commitment to make a clearer reference to the need for infrastructure to be planned in planning guidance.

When my right hon. Friend raised that point with me before this debate, I was very concerned that I had failed to deliver on a commitment made on the Floor of the House, and that that was something I needed to correct. I will not suggest to him that it is impossible to improve on what we have done, but I would like to reassure him that my officials—being marvellous officials—put in something that addressed the concern that he raised and the commitment that I made; it just may not be something that he considers to be sufficient. I will quote from the new draft planning guidance, because it is important that we all understand it. It says:

"Local Plans set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure".

That is the introductory phase. Then it says specifically:

"The Local Plan should aim to meet the objectively assessed... infrastructure needs of the area".

Then it says something even more specifically, which directly addresses the point of whether it is possible to ensure that a development only goes ahead once the necessary infrastructure has been put in place, and only after that necessary infrastructure has been put in place. We have made direct provision

"that a condition"—

that is, a planning condition—

"may be used to prohibit 'development authorised by the planning permission or other aspects linked to the planning permission...until a specified action has been taken (such as the provision of supporting infrastructure).'"

That is the element where we have attempted to make it clear that planning authorities can very reasonably say, "Yes, we'll pass this planning application, yes, we will consent, but it can only go ahead and be built out once that infrastructure has been put in place." I believe that the use of conditions is the right way to do it, as well as the plan making that makes the broader plans for infrastructure. However, I am very happy to invite my right hon. Friend to meet my officials and to come up with a better solution if one can be found that addresses his concerns.

**Nick Herbert:** I am grateful to my hon. Friend the Minister and I will have a look at the specific provisions that he says address the concern that we raised last December, and that he committed to bring forward; I thank him for that. Can he assure me that the proposals in the guidance in relation to infrastructure will enable a local authority, in drawing up a plan, to adjust the housing number that it sets, such that the number may be lower than the strategic housing market assessment provides, because of infrastructure considerations?

**Mr Graham Brady (in the Chair):** Before the Minister replies, I remind him that we only have three and a half minutes left, and I am keen to allow the Member responsible for securing the debate—the hon. Member for Tewkesbury (Mr Robertson)—to reply as well.

**Nick Boles:** If you will forgive me a very scrappy finish, Mr Brady, I will answer the question, and then I will sit down to allow my hon. Friend the Member for Tewkesbury to speak.

Very specifically, development must be sustainable, and sustainable in many ways. Infrastructure is one of the ways in which it needs to be sustainable. However—the however is quite important—to say that the current infrastructure is insufficient to support a level of development that otherwise would be "sustainable" in other senses of the word is not quite enough, because someone has to be able to say that it is incapable of being made sufficient to support that level of development; in other words, that the local authority either could not bring the financial resources together or could not physically and geographically make arrangements to make that development sustainable. Just to say, "The road is too narrow; we can't do anything more there," is not quite enough. To say, "The road is too narrow and can never be widened, because it's between two ancient forests that have the highest status," could be sufficient and that tends to be where the debates take place.

However, as I say, I am very happy to invite my right hon. Friend to meet officials to explore this issue further.

I will conclude. I am sorry if I have not answered everybody's questions.

4.27 pm

**Mr Laurence Robertson:** Thank you for calling me to speak, Mr Brady. It is a pleasure to serve under your chairmanship, and to have served under that of Mr Havard earlier.

I thank all the Members who have attended Westminster Hall today and contributed to this very lively debate. I thank the Minister for his attendance and his answers. I am not completely satisfied, as he would imagine, by some of the answers he has given, particularly about this so-called "housing crisis". He said that we are an ageing population. Of course we will age during the next 20 years, but we aged during the past 20 years as well, so I am not convinced that the projections should jump up so much because of that single factor. Of course, families go their own separate ways and people unfortunately have divorced, but again I am not aware that the projection will go up in the way that it would need to in order to justify the additional housing figures that are being talked about.

The Minister was perhaps talking about people being unable to buy houses, and ignoring the financial constraints. In my experience, it is not necessarily that the houses are not there. We went through a situation where some lenders were lending 125% of the house price, which had the effect of inflating those house prices. Now we have the opposite, where there is a very tight lending policy, and that is making it difficult for people to borrow. I accept the philosophy of price elasticity, of course—demand and supply—but there is more to it than that, so I am a little concerned that the Government are still clinging to the "housing crisis" phrase.

I will rattle through one or two final points. I am very much in favour of neighbourhood plans, of course, but they have to be in conformity with the local plan, so they are not actually that valuable.

My final point is the one raised by my right hon. Friend the Member for Arundel and South Downs (Nick Herbert) about infrastructure. Does that mean that numbers can be reduced? What about the green belt? What about flood risk areas? All these provide great difficulties, certainly in my constituency, to coming up with the sort of numbers that are being proposed by the Government—

**Mr Graham Brady (in the Chair):** Order.

4.30 pm

*Sitting adjourned without Question put (Standing Order No.10(13)).*



## Appendix JS6

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### The Extent of the National Shortfall in Housing Delivery





# The Extent of the National Shortfall in Housing Delivery

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6.1 In a speech to the House of Commons on 24 October 2013 the-then Planning Minister, Nick Boles, made reference to *“the scale of the housing crisis faced by this country”* and *“the extent of the need for housing”*.

6.2 The extent of the need for housing and the scale of the crisis as a result of the persistent under delivery of both market and affordable housing in the UK is explored further in this section of my evidence, starting almost 17 years ago with Kate Barker’s Review of Housing Supply in March 2004.

## **The Barker Review of Housing Supply (17 March 2004)**

6.3 In her 2004 review into issues underlying the lack of supply and responsiveness of the housing in the UK, Barker reported that housing is a basic human need, fundamental to our economic and social well-being. She found that:

- A weak supply of housing contributes to macroeconomic instability and hinders labour market flexibility;
- Housing has become increasingly unaffordable over time, noting that the aspiration for home ownership is as strong as ever, yet the reality is that for many this aspiration will remain unfulfilled unless the trend in real house prices is reduced;
- This brings potential for an ever widening social and economic divide between those able to access market housing and those kept out; and
- Homes are more than shelter. They provide access to a range of services and to communities. Housing also plays a major role as an asset in household’s balance sheets and in household planning for their financial futures.

6.4 Barker considered that continuing at the current rate of housebuilding was not a realistic option:

*“Unless we are prepared to accept increasing problems of homelessness, affordability and social division, decline in standards of public service delivery and increasing costs of doing business in the UK – hampering our economic success”.*

- 6.5 She found that whilst demand for housing is increasing over time, driven by demographic trends and rising incomes, in 2001 the construction of new houses in the UK fell to its lowest level since the Second World War.
- 6.6 A weak response of housing supply to demand changes has been one of the factors underlying the instability of the UK housing market with Barker reporting that *“there is growing evidence of a persistent inadequate supply”* noting that in the UK the trend rate of real house price growth over the past 30 years had been 2.4% compared to the European average of 1.1%
- 6.7 She found that affordability has worsened and that in 2002 only 37% of new households could afford to buy a property compared to 46% in the late 1980s. The overall objective of the Barker Review included:
- To achieve improvements in housing affordability in the market sector;
  - A more stable housing market; and
  - An adequate supply of publicly funded housing for those who need it.
- 6.8 Taking the baseline level of private sector housing built in 2002/03 of 140,000 gross starts and 125,000 gross completions, Barker estimated that:
- Reducing the trend in real house prices to 1.8% would require an additional 70,000 private sector homes per annum; and
  - More ambitiously, to reduce the trend in real house prices to 1.1% an additional 120,000 private sector homes per annum would be required.
- 6.9 Even in the case of the less ambitious price trend, Barker found that this would include pricing an additional 5,000 new households into the market each year and improving the access for the backlog of those currently priced out.
- 6.10 She found that an increase in supply of 17,000 affordable homes per annum would be required to meet the needs among the flow of new households, noting that there is also a case for the provision of up to 9,000 affordable homes per annum above this rate in order to make inroads into the backlog of need, a total of 26,000 per annum
- 6.11 Barker presented three scenarios for real house price trends ranging from slowing the rate at which households were being priced out to a long-term reduction of house price inflation:

- 2.4% per annum – which represented the Government’s target aimed at slowing the rate at which households were being priced out of the market, would have required an increase in housebuilding to 160,000 per annum;
- 1.8% per annum – to reduce the long-term trend would have required an increase in housebuilding to 200,000 per annum; and
- 1.1% per annum – which represented the EU average at the time, and which was considered would ‘improve the housing market’ would have required an increase in housebuilding to 260,000 per annum.

6.12 Meeting Barker’s most optimistic objective of improving the housing market and pricing many more households back into the marketplace would have required an estimated 260,000 homes per annum.

#### **The Barker Review: A Decade On (24 March 2014)**

- 6.13 In March 2014 the Home Builders Federation (HBF) undertook a review of housing delivery against the findings of the Barker Review and the impacts of this upon the market and affordability. They found that by 2004 the housing crisis was already building and in the 10 years since then, even against the most modest of the housing targets identified by Barker (which was met only once in 2005/06), the average annual shortfall has been 45,000 homes.
- 6.14 Measured against the objective of improving the housing market, housebuilding had been an average of 145,000 per annum down on the target of 260,000 per annum over the period between 2004 and 2014.
- 6.15 The HBF found that when measured against the middle of Barker’s three price inflation targets for 200,000 per annum, the shortfall of homes over the decade stood at 953,000 homes in 2014. This was on top of a backlog that had already been identified as being large (estimated at between 93,000 and 146,000) and growing in 2004.
- 6.16 They reported that in 2014 even if housebuilding rose to 210,000 per annum overnight, assessed against the middle objective of reducing the long-term rate of inflation, the country would be four and a half years behind where it was in 2004.
- 6.17 In 2014, the HBF found that a decade on from the Barker Review, the UK was 1.45 million homes short of where Kate Barker projected would have brought about an improved housing market.

- 6.18 The HBF reported that a basic estimate would suggest that in order to achieve the very modest objective of slowing the increase in the affordability gap so that fewer new households are priced out of the market, in 2014 some 200,000 private household starts would be required, a figure last achieved in 1972/73.
- 6.19 It goes further to detail that the objective of improving the housing market would, in 2014, have required 320,000 private housing starts per annum, a figure achieved in England only four times since World War II.

### **Building the Homes We Need (April 2014)**

- 6.20 The KPMG and Shelter research was intended to provide a package of new housing policies to inform the new 2015 Government.
- 6.21 It reported that each year an average of 100,000 fewer homes are built that are needed which adds to a shortfall which has been growing for decades, noting that growing demand means that without a step-change in supply we will be locked into a spiral of increasing house prices and rents, making the housing crisis worse.
- 6.22 Because of private housing becoming less affordable, the number of people in need of affordable housing has grown and with the failure of successive governments to deliver new social housing whilst existing stock continues to be depleted through the Right to Buy, waiting lists have grown whilst social housing stock has shrunk as illustrated by figure 6.1<sup>1</sup>.

*Figure 6.1: Social Housing Waiting Lists and Stock*



Source: *Building the Homes We Need* (2014)

<sup>1</sup> Reduction in total numbers on housing waiting lists in 2013 as a result of local authorities utilising the freedoms afforded to set their own housing allocation criteria through the Localism Act.

- 6.23 KPMG and Shelter found that changing demographics meant that we need to build a minimum of 250,000 new homes per annum in England to meet rising demand. In 2013 (the most recent monitoring period available at the time of publication of the report) just 109,660 new homes were built, the lowest annual level since 1946, the year of recovery after the Second World War.
- 6.24 In addition to which the report found that estimates suggest that the backlog of housing need may be as large as two million households and that to clear this England would need to build well over 250,000 homes each year, which would require doubling current output at the time of publication of the report.

**The House of Lords Select Committee on Economic Affairs: Building More Homes (15 July 2016)**

- 6.25 The Select Committee found that a growing population, rising immigration and rising incomes have increased demand for housing in England in recent decades but that too few homes have been built over this period. As a result, house prices and rents have risen sharply and there has been a decline in home ownership over the past decade.
- 6.26 They considered that we must build enough homes to make housing more affordable for everyone, noting that aspirant home owners who are unable to afford a deposit pay substantial proportions of their income on rent, families on waiting lists of social housing contend with insecure tenancies and rogue landlords, and at the same time housing benefit spending has doubled in the past two decades.
- 6.27 The Lords reported that as former Housing and Planning Minister Brandon Lewis had explained to them, the Government aimed to address the problems by building one million homes by the end of Parliament. However, it was noted that since the Brexit vote the Minister had effectively abandoned this target and prior to the vote had warned that it would be difficult to achieve if the UK voted to leave the European Union.
- 6.28 In addition to this the Committee found that whilst the Government's ambition was welcomed, it must be matched by appropriate action on a much larger scale than currently envisaged and across all tenure. They considered that the Government was focused on building for home ownership and therefore neglecting housing for affordable and social rent.
- 6.29 It was reported that it had been 10 years since 200,000 homes (the implied annual rate from the Government's target) were added to the housing stock in a single year, but

the evidence suggested that this will not be enough to meet future demand and the backlog from previous years of undersupply.

- 6.30 The Select Committee found that in order to meet demand and have a moderating effect on house prices, at least 300,000 homes a year need to be built for the foreseeable future otherwise the age of a first-time buyer will continue to rise. The main conclusions of the Select Committee included that:

*“The Government’s target of one million new homes by 2020 is not based on a robust analysis. To address the housing crisis at least 300,000 new homes are needed annually for the foreseeable future. One million homes by 2020 will not be enough”.*

**National Housing Federation Press Release: ‘England Short of Four Million Homes’ (18 May 2018)**

- 6.31 The NHF press release<sup>2</sup> reported that new figures reveal the true scale of the housing crisis in England and that the research (conducted by Heriot-Watt University) shows that England’s total housing backlog has reached four million homes.
- 6.32 They report that in order to both meet this backlog and provide for future demand, the country needs to build 340,000 homes per year until 2031, noting that this is significantly higher than current estimates which have never before taken into account the true scale of housing need created by both homelessness and high house prices.
- 6.33 However, the NHF is clear that these need to be the right type of houses with a need for 145,000 of these new homes per year to be affordable homes, compared to previous estimates of annual affordable housing need of around 78,000 homes. It reports that this means around two fifths (or 40%) of all new homes built every year must be affordable homes, yet in 2016/17 only around 23% of the total built were affordable homes.
- 6.34 The research breaks down exactly what type of affordable homes are needed:
- 90,000 per annum should be for social rent;
  - 30,000 per annum should be for intermediate affordable rent; and
  - 25,000 per annum should be for shared ownership.
- 6.35 Reference was drawn to the September 2017 announcement by the former Prime Minister Theresa May that £2 billion will be invested in affordable housing and

<sup>2</sup> <https://www.housing.org.uk/press/press-releases/england-short-of-four-million-homes/>



indicating that this could deliver around 25,000 new homes for social rent over three years, however the NHF report that even when this funding is made available, the research shows that it would deliver less than 10% of the social rented homes needed each year.

- 6.36 Government funding for social housing has been steadily declining for decades. In 1975/76 investment in social housing stood at more than £18 billion a year but had declined to just £1.1 billion in 2015/16. Over the same period, the housing benefit bill grew from £4 billion to £24.2 billion each year.
- 6.37 The NHF set out that homeownership rates have plummeted among young people, rough sleeping has risen by 169% since 2010 and that unless the Government takes steps to deliver more private, intermediate and social housing, the number of households in temporary accommodation is on track to reach 100,000 by 2020.
- 6.38 A series of quotes accompany the NHF press release from senior industry professionals, summaries of which are detailed below:
- David Orr, Chief Executive of the NHF – *“This ground-breaking new research shows the epic scale of the housing crisis in England”.*
  - Jon Sparkes, Chief Executive of Crisis – *“Today’s findings are stark and shocking, but they also represent a huge opportunity for us as a country to get to grips with our housing and homelessness crisis – and to end it once and for all”.*
  - Terrie Alafat CBE, Chief Executive of the Chartered Institute of Housing – *“This new report once again highlights the chronic housing shortage we face in the UK and it is clear that only a bold and ambitious plan to solve the housing crisis will prevent a decent, genuinely affordable home being out of reach for our children and their children.”*
  - Campbell Robb, Chief Executive of the Joseph Rowntree Foundation – *“It is unacceptable that currently in our society millions of people are locked out of being able to afford a decent and secure home. For years our failure to deliver enough affordable housing in England has led to rising levels of poverty and homelessness across our country.”*
  - Polly Neate, Chief Executive of Shelter – *“We are in the midst of a housing emergency where an entire generation faces a daily struggle for a decent home...Government can turn things around but only by building many more of the high quality, genuinely affordable homes this country is crying out for”.*

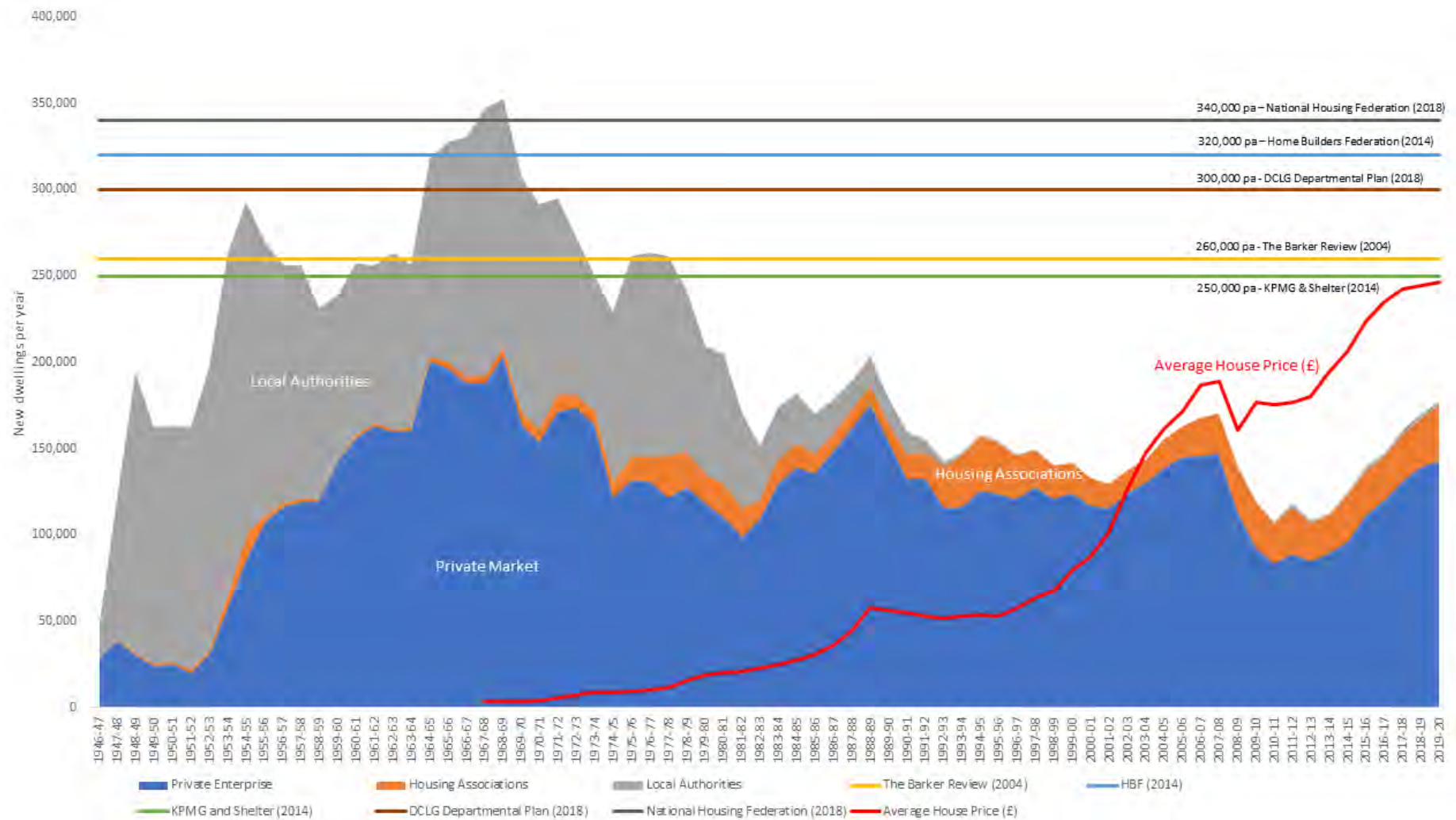
### **Ministry of Housing, Communities and Local Government Single Departmental Plan (27 June 2019)**

- 6.39 The Ministry's Single Departmental Plan outlines its objectives which include to "*deliver the homes the country needs*" and to "*make the vision of a place you call home a reality.*"
- 6.40 Under the objective of delivering the homes the country needs, the Plan states that the Ministry will:
- "Support the delivery of a million homes by the end of 2020 and half a million more by the end of 2022 and put us on track to deliver 300,000 net additional homes a year on average by the mid-2020s, to help increase affordability."*
- 6.41 The Departmental Plan clearly outlines the Government's aim to deliver 300,000 new homes per annum in order to address the housing crisis in England.

### **The National Housing Shortfall**

- 6.42 Over the course of the past 17 years a series of industry leading professionals and figures at the highest level of Government have identified that there is a need for between 200,000 to 340,000 homes per annum to address the housing crisis that has engulfed the country.
- 6.43 Figure 6.2 below illustrates the level of house building in England between 1946 and 2017 and compares delivery over this period with the range of annual housing needs identified between 2004 and 2020, the most recent of which of course being the Government's own Ministry for Housing, Communities and Local Government (MHCLG) target for 300,000 new homes per annum.

Figure 6.2: House Building in England 1946 to 2019



Source: MHCLG Live Table 209; MHCLG Live Table 253; HM Land Registry (2018); The Barker Review (2004); HBF (2014); Building the Homes We Need, KPMG & Shelter (2014); MHCLG Single Departmental Plan (2019); NHF (18 May 2018).

- 6.44 Figure 6.2 shows that the Government's current target of 300,000 new homes per annum is a figure that the country has not seen achieved since the mid to late 1960s. Whilst housing completions have been increasing since around 2011, they are still a long way short of meeting the level of housing delivery that is desperately needed to address the housing crisis in this country.
- 6.45 At figure 6.3 net additional dwellings in England since 2004 sourced from MHCLG Live Table 122 are compared with the annual need figures identified in the Barker Review (2004), the KPMG & Shelter research (2014), the HBF research (2014), the NHF research (2018), and the MHCLG Single Departmental Plan (2019).
- 6.46 The results are stark. The lowest of the annual need figures since 2004, that of the KPMG/Shelter report of 250,000 homes per annum, results in a shortfall of -1,105,490 homes in the past 17 years. To put this into context, this is equivalent to:
- 95% of the total number of households on local authority Housing Registers in the whole of England<sup>3</sup>; and
  - Almost four times the total number of homes across the entire County of Oxfordshire<sup>4</sup>.
- 6.47 At the other end of the scale, the need for 340,000 homes per annum most recently identified in the NHF research results in a shortfall figure of -2,635,490 homes. This is equivalent to more than twice the total number of homes in the entire West Midlands region<sup>5</sup>.
- 6.48 When the Government's most recently published target of 300,000 home per annum taken from the MHCLG 2018 Single Departmental Plan is used for comparison, there has been a shortfall of -1,955,490 homes since 2004. To put this into context, this is equivalent to:
- More than 1.6 times the number of households on local authority Housing Registers in the whole of England (see footnote 3); and
  - More than one-and-a-half times the total number of homes in Greater Manchester<sup>6</sup>.

<sup>3</sup> Source: MHCLG Live Table 600 – 1,159,833 households on Housing Registers in England at 1 April 2019

<sup>4</sup> Source: MHCLG Live Table 100 – 295,517 homes in Oxfordshire at 1 April 2019

<sup>5</sup> Source: MHCLG Live Table 100 – 1,174,904 homes in West Midlands at 1 April 2019

<sup>6</sup> Source: MHCLG Live Table 100 – 1,223,807 homes in Greater Manchester Metropolitan County at 1 April 2019

Figure 6.3: National Housing Shortfall Comparison

Year	Net Additions	KPMG/Shelter (2014) 250,000 pa		Barker Review (2004) 260,000 pa		MHCLG Departmental Plan (2019) 300,000 pa		The HBF (2014) 320,000 pa		NHF Research (2018) 340,000 pa	
		Annual	Cumulative	Annual	Cumulative	Annual	Cumulative	Annual	Cumulative	Annual	Cumulative
03/04	170,969	-79,031	-79,031	-89,031	-89,031	-129,031	-129,031	-149,031	-149,031	-169,031	-169,031
04/05	185,553	-64,447	-143,478	-74,447	-163,478	-114,447	-243,478	-134,447	-283,478	-154,447	-323,478
05/06	202,653	-47,347	-190,825	-57,347	-220,825	-97,347	-340,825	-117,347	-400,825	-137,347	-460,825
06/07	214,936	-35,064	-225,889	-45,064	-265,889	-85,064	-425,889	-105,064	-505,889	-125,064	-585,889
07/08	223,534	-26,466	-252,355	-36,466	-302,355	-76,466	-502,355	-96,466	-602,355	-116,466	-702,355
08/09	182,767	-67,233	-319,588	-77,233	-379,588	-117,233	-619,588	-137,233	-739,588	-157,233	-859,588
09/10	144,870	-105,130	-424,718	-115,130	-494,718	-155,130	-774,718	-175,130	-914,718	-195,130	-1,054,718
10/11	137,394	-112,606	-537,324	-122,606	-617,324	-162,606	-937,324	-182,606	-1,097,324	-202,606	-1,257,324
11/12	134,896	-115,104	-652,428	-125,104	-742,428	-165,104	-1,102,428	-185,104	-1,282,428	-205,104	-1,462,428
12/13	124,722	-125,278	-777,706	-135,278	-877,706	-175,278	-1,277,706	-195,278	-1,477,706	-215,278	-1,677,706
13/14	136,605	-113,395	-891,101	-123,395	-1,001,101	-163,395	-1,441,101	-183,395	-1,661,101	-203,395	-1,881,101
14/15	170,693	-79,307	-970,408	-89,307	-1,090,408	-129,307	-1,570,408	-149,307	-1,810,408	-169,307	-2,050,408
15/16	189,645	-60,355	-1,030,763	-70,355	-1,160,763	-110,355	-1,680,763	-130,355	-1,940,763	-150,355	-2,200,763
16/17	217,345	-32,655	-1,063,418	-42,655	-1,203,418	-82,655	-1,763,418	-102,655	-2,043,418	-122,655	-2,323,418
17/18	222,281	-27,719	-1,091,137	-37,719	-1,241,137	-77,719	-1,841,137	-97,719	-2,141,137	-117,719	-2,441,137
18/19	241,877	-8,123	-1,099,260	-18,123	-1,259,260	-58,123	-1,899,260	-78,123	-2,219,260	-98,123	-2,539,260
19/20	243,770	-6,230	-1,105,490	-16,230	-1,275,490	-56,230	-1,955,490	-76,230	-2,295,490	-96,230	-2,635,490
Total Shortfalls Since 2004 compared to:		KPMG/Shelter Research		The Barker Review		MHCLG Departmental Plan		The HBF		NHF Research	
		-1,105,490		-1,275,490		-1,955,490		-2,295,490		-2,635,490	

Source: MHCLG Live Table 122; HM Land Registry; The Barker Review (2004); HBF (2014); Building the Homes We Need, KPMG & Shelter (2014); NHF (18 May 2018); MHCLG Single Departmental Plan (2019)

### **Conclusion on the Extent of the National Housing Shortfall**

- 6.49 The evidence before the Inspector shows that in every scenario, against every annual need figure, the extent of the shortfall in housing delivery in England is staggering and merely serves to further compound the acute affordability problems that the country is facing.
- 6.50 It is my view that what is clear is that a significant boost in the delivery of housing, and in particular affordable housing, in England is absolutely essential to arrest the housing crisis and prevent further worsening of the situation.



## Appendix JS7

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Sales arising from Right to Buy





Statistical release

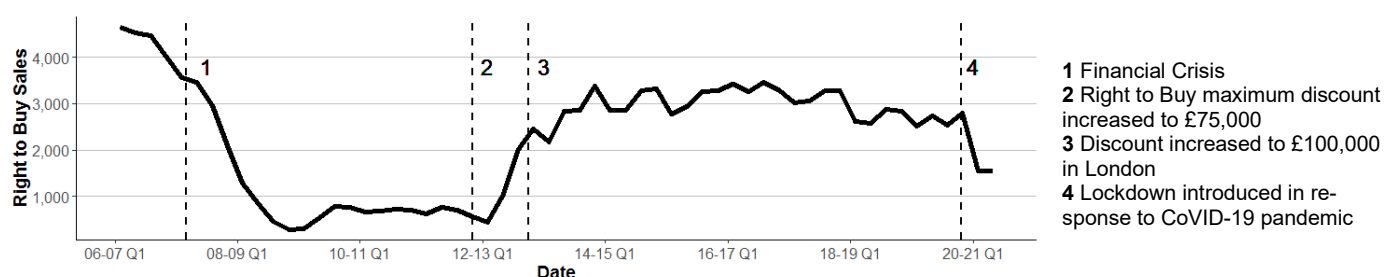
Housing

# Right to Buy Sales in England: July to September 2020

## In this release:

### Sales

- In Q2 2020-21 (July to September 2020), local authorities sold an estimated 1,548 dwellings under the Right to Buy scheme. This is a decrease of 43 per cent compared to the same quarter of 2019-20.



### Receipts

- In Q2 2020-21, local authorities received £137.2 million from Right to Buy sales, 40 per cent lower than the same quarter of 2019-20 (see **Table 2**).
- The average receipt per dwelling sold in Q2 2020-21 was £88,657. This is the second highest average receipt since recording started in 2012-13 and 6% greater than Q2 2019-20 (see **Table 3**).

### Starts on Site and Acquisitions

- There were 682 dwellings started on site or acquired by local authorities in Q2 2020-21, 51 per cent lower than the number of dwellings started or acquired in the same quarter of 2019-20. This reduction in starts may be, in part, a result of the period of national restrictions introduced in response to the COVID-19 pandemic.

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## Introduction

This statistical release presents Official Statistics on the number of sales of dwellings under the Right to Buy scheme, as well as providing statistics on receipts resulting from those sales. It also covers the starts on site and acquisitions which are part of the one-for-one additions policy introduced in April 2012. The Right to Buy scheme allows eligible social housing tenants to buy their house at a reduced price and has been in place since 1980 (see History of the Right to Buy scheme for more detail).

These statistics relate to sales by local authorities under the Right to Buy scheme only and exclude sales by Private Registered Providers (PRPs) under preserved Right to Buy. Sales by PRPs are recorded in Social Housing Sales (see Related Statistics). Figures are collected from local authority returns to the Ministry of Housing, Communities and Local Government (MHCLG).

# History of the Right to Buy scheme

The Right to Buy scheme was introduced in 1980 and gives qualifying social tenants the opportunity to buy their rented home at a discount. The scheme is open to secure tenants of local authorities and non-charitable PRPs, and to those assured tenants of PRPs who have transferred with their homes from a local authority as part of a stock transfer. To qualify for the Right to Buy scheme, a social tenant must have accrued at least three years public sector tenancy. This does not need to be continuous, nor does it need to have been accrued whilst living in the tenant's current property.

In 1998 and 2003, Discount Orders reduced Right to Buy discounts across England to maximums ranging from £16,000 to £38,000 (depending on the local authority where the property was located). Prior to that, the discount cap had been £50,000 across England.

In April 2012, the Department for Communities and Local Government (DCLG) reinvigorated the Right to Buy scheme by changing the maximum cash discount available for Right to Buy sales to a new higher level of £75,000 across England. In March 2013, in recognition of the increasing property prices in London, the Government further increased the maximum discount available for tenants living in London boroughs to £100,000. In July 2014, DCLG changed the maximum cash discount available for the Right to Buy so that it increased annually in line with the Consumer Price Index (CPI) rate of inflation. The discount is currently £112,300 in London and £84,200 in the rest of England.

The Government's aim is that for every additional property sold under Right to Buy, a new affordable home for rent will be provided nationally under the one-for-one additions policy. Under the reinvigorated Right to Buy, local authorities are now able to keep the receipts from additional Right to Buy sales to fund additional affordable housing.

# Right to Buy Sales

In Q2 2020-21, local authorities sold 1,548 dwellings under the Right to Buy scheme. This represents a decrease of 43 per cent from the 2,727 sold in the same quarter of 2019-20. This large decline may be due in large part to the lockdown restrictions introduced in response to the CoVID-19 pandemic.

**Table 1: Quarterly Right to Buy sales, England 2006-07 to Q2 2020-21**

	Q1	Q2	Q3	Q4	Total
<b>2006-07</b>	4,655	4,538	4,470	4,021	<b>17,684</b>
<b>2007-08</b>	3,553	3,454	2,954	2,082	<b>12,043</b>
<b>2008-09</b>	1,286	851	455	277	<b>2,869</b>
<b>2009-10</b>	293	532	789	761	<b>2,375</b>
<b>2010-11</b>	657	689	714	698	<b>2,758</b>
<b>2011-12</b>	615	764	693	566	<b>2,638</b>
<b>2012-13</b>	442	1,041	2,011	2,450	<b>5,944</b>
<b>2013-14</b>	2,181	2,846	2,853	3,381	<b>11,261</b>
<b>2014-15</b>	2,849	2,847	3,288	3,321	<b>12,304</b>
<b>2015-16</b>	2,779	2,941	3,250	3,276	<b>12,246</b>
<b>2016-17</b>	3,417	3,256	3,469	3,301	<b>13,444</b>
<b>2017-18<sup>R</sup></b>	3,017	3,055	3,272	3,272	<b>12,616</b>
<b>2018-19</b>	2,607	2,575	2,887	2,842	<b>10,910</b>
<b>2019-20<sup>P</sup></b>	2,509	2,727	2,538	2,789	<b>10,563</b>
<b>2020-21<sup>P</sup></b>	1,549	1,548			<b>3,097</b>

For annual data back to 1980-81, refer to Live Table 678 at this link: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-social-housing-sales>

Sales figures are rounded and therefore there are minor discrepancies between the totals

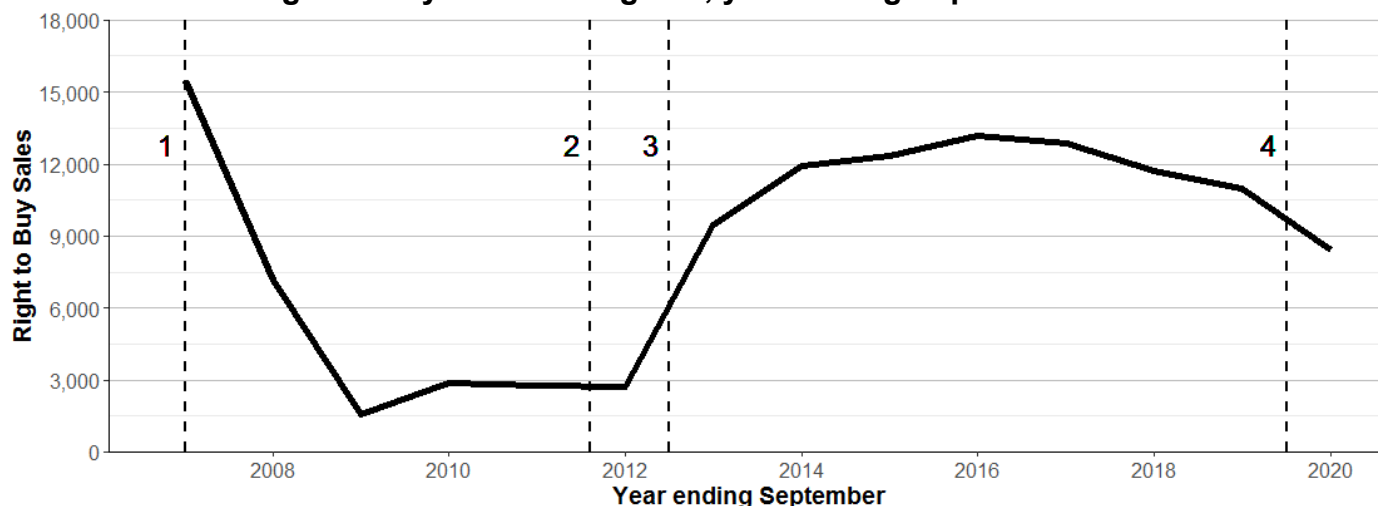
P – Provisional

R - Revised

In the latest quarter, sales were 67 per cent below those in Q1 2006-07. However, the number of sales was over double that in Q4 2011-12, the last quarter before the reinvigoration.

To highlight the general trend, **Chart 1** below shows total Right to Buy sales for the rolling year ending in September 2020. During the 12-month period to the end of September 2020 there were 8,424 Right to Buy sales. This represents 0.5 per cent of the total number of dwellings owned by local authorities, which was around 1.58 million<sup>1</sup> on 31<sup>st</sup> March 2020.

**Chart 1: Annual Right to Buy Sales in England, year ending September 2007 to 2020**



<sup>1</sup>Financial Crisis   <sup>2</sup>Right to Buy maximum discount increased to £75,000   <sup>3</sup>Discount increased to £100,000 in London

<sup>4</sup>Lockdown introduced in response to the CoVID-19 pandemic

Right to Buy sales decreased between the years ending September 2007 and September 2009, coinciding with the beginning of the global financial crisis. Sales began to rise again after reinvigoration in April 2012 (when discounts to tenants increased) and continued to do so when in March 2013 there were further increases to the discounts in London. Since the year ending September 2016, there has been a downward trend in the number of local authority owned dwellings sold to social tenants, with sales in the year ending September 2020 reaching the lowest annual figure since the year ending September 2012 (reinvigoration started in April 2012).

<sup>1</sup> This figure comes from Live Table 116, which is updated annually and can be found at:

<https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants>.



# Right to Buy Sales: Regional

**Chart 2** summarises annual Right to Buy sales figures by region in England, from year ending September 2007 to September 2020.

The pattern of sales varies between regions, partly due to the difference in size of local authority owned housing stock. Across all regions, sales followed an upward trend immediately after the reinvigoration, with the sharpest increase in London. Following this period of growth, the number of Right to Buy sales in London started to decline after the year to September 2015 reaching a post-reinvigoration low point in the latest year. Despite this decrease, the number of sales in London is still significantly higher than the sales recorded before reinvigoration in 2009 to 2012.

For the remaining regions, between the years ending September 2013 and September 2018, there was either a continued increase in sales or a relative steady state in sales. Since September 2018, all regions have seen a decline in Right to Buy sales.

**Chart 2: Annual Right to Buy Sales by Region in England, year ending September 2007 to September 2020**



<sup>1</sup>Financial Crisis <sup>2</sup>Right to Buy maximum discount increased to £75,000 <sup>3</sup>Discount increased to £100,000 in London <sup>4</sup>Lockdown introduced in response to CoVID-19 pandemic.

Note: As the values in **Chart 2** are annual sales for year ending in September, the effects on sales of the national restrictions in response to the COVID-19 pandemic cannot be seen.

These graphs are not adjusted to the size of the local authority stock holdings in each region, or any transfers of stock that happened during the period. For example, in March 2006 the North West had over 240,000 Local Authority owned social housing stock, but due to large scale voluntary transfers to Private Registered Providers (PRPs) between 2007 and 2015 the stock in March 2020 was 66% less than in 2006. This, in part, explains why the North West did not see the same growth in Local Authority Right to Buy sales following reinvigoration that some other regions saw.

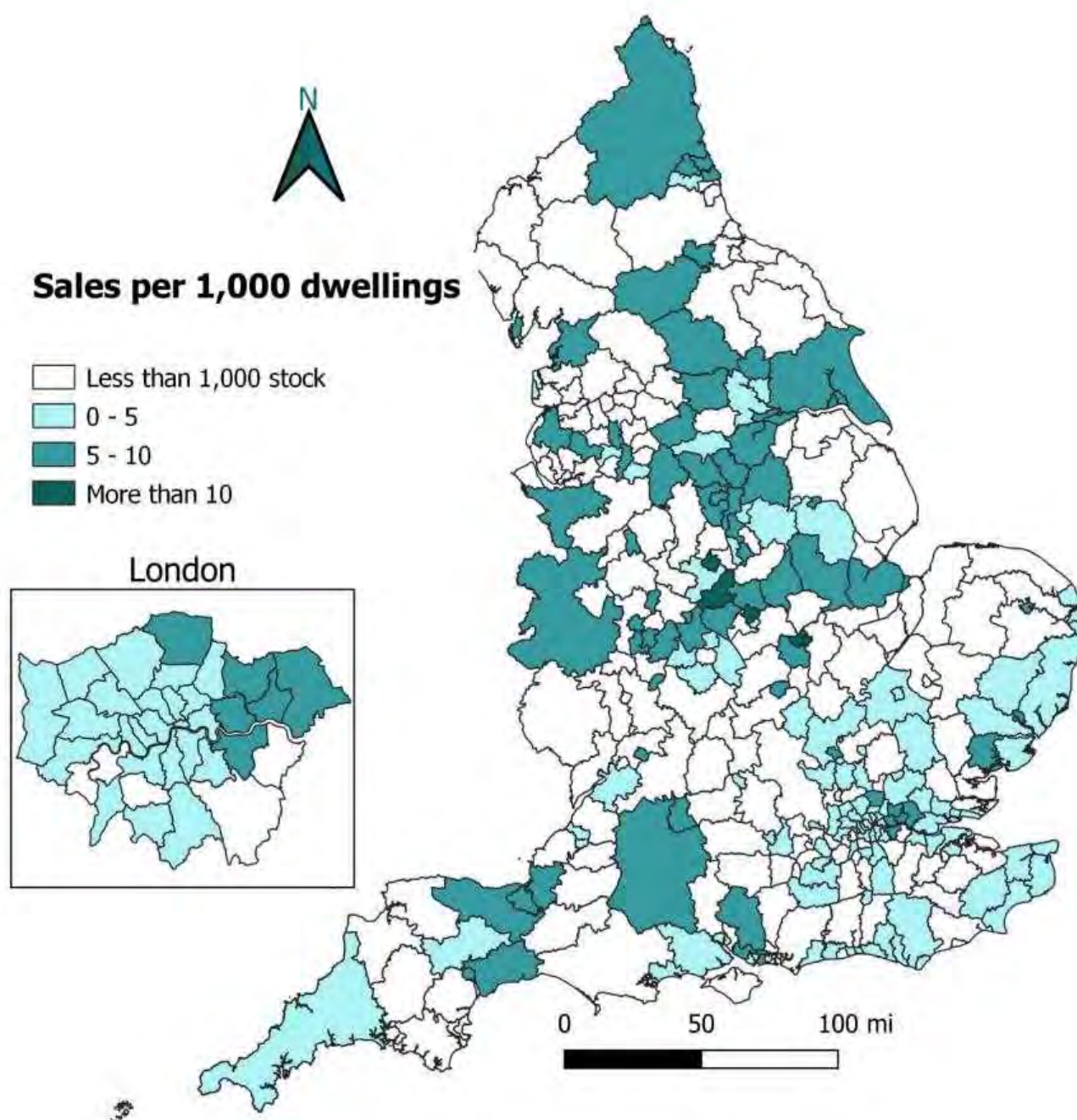
By contrast, **Map 1** shows the sales per 1,000 dwellings of existing local authority stock in England in the 12 months to September 2020<sup>2</sup>, i.e. adjusted to the stock they held on 31 March 2020. The non-stock holding authorities have transferred all their stock to Private Registered Providers and are shown as white on the map below.

The map shows that the East Midlands and West Midlands have had the highest number of sales per 1,000 dwellings of existing local authority stock.

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<sup>2</sup> Figures on existing local authority stock are taken from Local Authority Stock dataset, which can be found at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants>

**Map 1: Local Authority Right to Buy Sales per 1,000 dwellings of existing local authority stock, England, year ending September 2020.**



# Right to Buy Receipts

**Table 2** and **Table 3** below show the quarterly Right to Buy receipts<sup>3</sup> resulting from social housing sales and the quarterly average receipts per dwelling in England since Q1 2012-13.

In Q2 2020-21, local authorities in England received £137.2 million from Right to Buy sales, 40 per cent lower than the £228.0 million received in the same quarter of 2019-20. This reflects the general pattern in the number of sales.

**Table 2: Quarterly Right to Buy receipts, England, Q1 2012-13 to Q2 2020-21, £ millions.**

	Q1	Q2	Q3	Q4	Total
<b>2012-13</b>	24.0	61.2	125.0	157.6	<b>367.9</b>
<b>2013-14</b>	130.8	180.2	196.8	243.0	<b>750.7</b>
<b>2014-15</b>	212.4	210.5	247.5	260.6	<b>930.9</b>
<b>2015-16</b>	223.2	230.0	259.0	273.2	<b>985.4</b>
<b>2016-17</b>	285.0	279.4	292.3	271.9	<b>1,128.7</b>
<b>2017-18</b>	257.7	258.4	276.1	267.7	<b>1,059.8</b>
<b>2018-19</b>	215.2	214.9	251.6	238.2	<b>919.9</b>
<b>2019-20<sup>P</sup></b>	208.7	228.0	223.2	234.6	<b>894.6</b>
<b>2020-21<sup>P</sup></b>	137.9	137.2			<b>275.1</b>

P - Provisional

The average receipt per dwelling sold in Q2 2020-21 was £88,657, the second highest value recorded (see **Table 3**). Receipts are sensitive to the type, size and location of the properties sold, as well as their discount percentage; and therefore, the average receipt per dwelling is likely to fluctuate.

<sup>3</sup> Further details on Right to Buy receipts statistics including data at a local authority level are available in Live Table 692 at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-social-housing-sales>

**Table 3: Quarterly average receipts per dwelling, England, Q1 2012-13 to Q2 2020-21, £ thousands.**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Year</b>
<b>2012-13</b>	54.4	58.8	62.2	64.3	<b>61.9</b>
<b>2013-14</b>	60.0	63.3	69.0	71.8	<b>66.7</b>
<b>2014-15</b>	74.5	73.9	75.3	78.5	<b>75.7</b>
<b>2015-16</b>	80.3	78.2	79.7	83.4	<b>80.5</b>
<b>2016-17</b>	84.0	87.2	85.5	83.5	<b>85.0</b>
<b>2017-18<sup>R</sup></b>	85.4	84.6	84.4	81.8	<b>84.0</b>
<b>2018-19</b>	82.6	83.4	87.1	83.8	<b>84.3</b>
<b>2019-20<sup>P</sup></b>	83.2	83.6	88.0	84.1	<b>84.7</b>
<b>2020-21<sup>P</sup></b>	89.0	88.7			<b>88.8</b>

P - Provisional

## Starts on site and acquisitions

The Government made changes to the Right to Buy scheme, increasing the maximum discounts available to public sector tenants in April 2012 (to £75,000 across England without regional differentials), in March 2013 (to £100,000 in London) and in July 2014 (with maximum discounts increasing annually, in line with the Consumer Price Index). An estimate of the expected sales without these increases to the discount cap was calculated using projections from Her Majesty's Treasury's (HMT) self-financing model. Any Right to Buy sales above these projections are considered 'additional' and are subject to the one-for-one additions policy, which is a commitment to provide an affordable dwelling for each additional Right to Buy dwelling sold.

Under the Right to Buy one-for-one additions policy, local authorities have three years from the date of the sale of each additional home to provide an additional affordable property. If a local authority does not provide an additional affordable property, a proportion of the receipt is transferred to Homes England (HE) or the Greater London authority (GLA), who use these recycled Right to Buy receipts to deliver starts and acquisitions. Additional starts include acquisitions. The actual replacements are calculated from additional starts and acquisitions from Q1 2012-13 to Q2 2020-21. This is measured against the replacement target which is calculated from the cumulative additional sales from Q1 2012-13 to Q2 2017-18.

In Q2 2020-21, there were 714 starts on site and acquisitions. This was the lowest figure recorded in any Q2 since 2015-16 (see **Table 4a**). A similar pattern holds for local authorities only (see **Table 4b**). The decrease in the number of starts on site and acquisitions in Q2 2020-21 is likely due to the impact of CoVID-19 and the associated lockdown in the Spring of 2020.

**Table 4a: Total Quarterly Right to Buy Starts on Site and Acquisitions, by local authorities, HE and the GLA, England, Q1 2012-13 to Q2 2020-21, dwellings<sup>4</sup>.**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total</b>
<b>2012-13</b>	24	130	80	340	574
<b>2013-14</b>	120	372	406	830	1,728
<b>2014-15</b>	797	733	658	1,302	3,490
<b>2015-16</b>	376	599	495	1,059	2,529
<b>2016-17</b>	840	1,319	1,140	1,661	4,960
<b>2017-18</b>	1,149	1,019	1,557	1,768	5,493
<b>2018-19</b>	979	1,244	1,128	2,041	5,392
<b>2019-20<sup>P</sup></b>	1,504	1,404	1,496	1,683	6,087
<b>2020-21<sup>P</sup></b>	694	714			1,408
<b>Total</b>					<b>31,661</b>

P - Provisional

Between Q1 2012-13 and Q2 2020-21 there were 31,661 additional affordable properties started or acquired, falling short of the three years' replacement commitment. This is measured against the replacement target 41,541 (i.e. the number of additional sales between Q1 2012-13 and Q2 2017-18).

Out of the 31,661 new starts and acquisitions, 29,232 were delivered by local authorities and 2,429 by HE and the GLA (see Table 4b). Details of starts on site and completions (including acquisitions) using recycled Right to Buy receipts since 2014-15 can be found in live tables, 1011S and 1011C, respectively.

<https://www.gov.uk/government/statistical-data-sets/live-tables-on-affordable-housing-supply>

<sup>4</sup> Table 4a includes Starts on Site and Acquisitions by HE and the GLA using recycled receipts and therefore does not match Live Table 693.

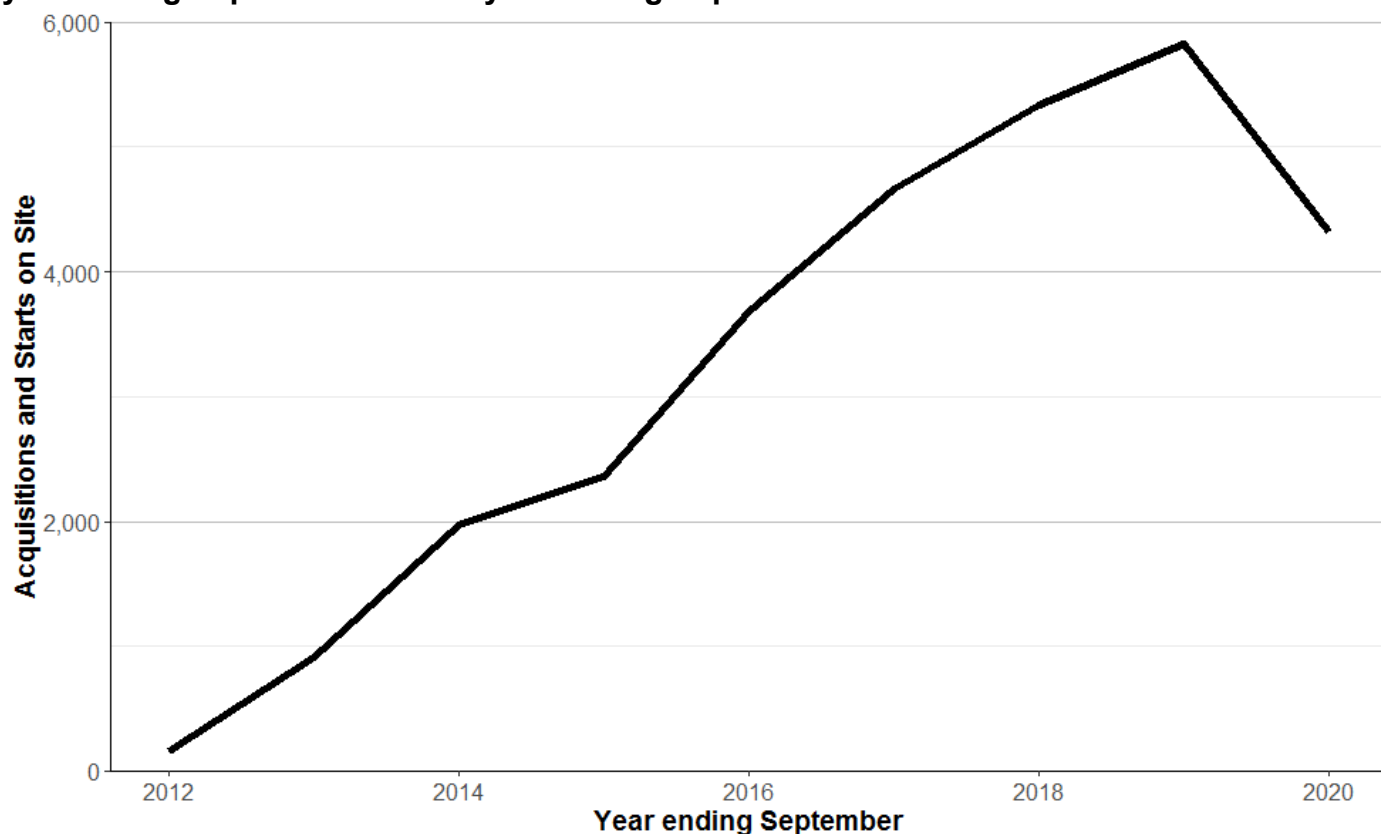


**Table 4b: Total Quarterly Right to Buy Starts on Site and Acquisitions by local authorities only, England, Q1 2012-13 to Q2 2020-21, dwellings.**

	Q1	Q2	Q3	Q4	Total
<b>2012-13</b>	24	130	80	340	574
<b>2013-14</b>	120	372	406	499	1,397
<b>2014-15</b>	530	542	547	840	2,459
<b>2015-16</b>	376	599	495	1,037	2,507
<b>2016-17</b>	840	1,306	1,075	1,550	4,771
<b>2017-18</b>	1,069	966	1,545	1,613	5,193
<b>2018-19</b>	969	1,209	1,102	1,817	5,097
<b>2019-20<sup>P</sup></b>	1,504	1,404	1,496	1,454	5,858
<b>2020-21<sup>P</sup></b>	694	682			1,376
<b>Total</b>					<b>29,232</b>

P - Provisional

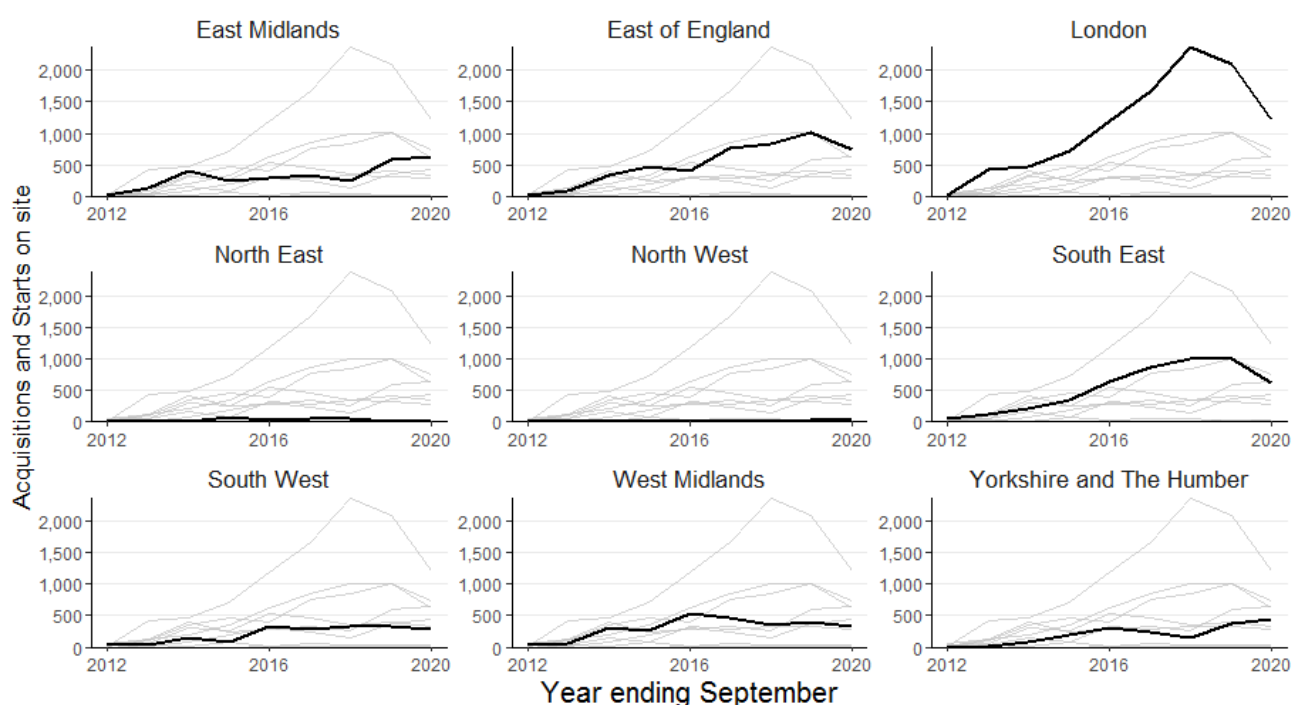
**Chart 3: Annual Right to Buy Starts on Site and Acquisitions by local authorities, England, year ending September 2012 to year ending September 2020.**



**Chart 3** shows a general trend of increasing numbers of starts on site and acquisitions using 1-4-1 Right to Buy receipts since the year ending September 2012. The growth began to slow down in 2017 and the year to September 2020 was the first time there had not been an increase in starts on site, although there is a likely impact of CoVID-19.

In England, there is a large variation across regions on the number of acquisitions and starts on site. **Chart 4** shows that London, the South East and the East of England have had comparatively more starts on sites and acquisitions than the rest of England.

**Chart 4: Annual Starts on Site and Acquisitions by local authorities, by Region in England, year ending September 2012 to year ending September 2020**



## Acquisitions

Beginning with Q1 2017-18, local authorities were asked to split the numbers provided between new build starts and acquisitions<sup>5</sup>.

Since Q1 2017-18 a total of 17,524 dwellings<sup>6</sup> have been started on site or acquired by local authorities, from recycled Right to Buy receipts. Of these, 8,693 (52 per cent) were identified as starts on site for new builds and 7,929 (48 per cent) as acquisitions.

<sup>5</sup> Further details on Right to Buy starts and acquisitions statistics including data at a local authority level and footnotes are available in the Department's Live Tables. They can be found here- <https://www.gov.uk/government/statistical-data-sets/live-tables-on-social-housing-sales>. The table covering this topic is Live Table 693.

<sup>6</sup> For the remaining 902 units it was not specified if the unit was a start on site or an acquisition.

# Accompanying tables and open data

## Tables

Accompanying tables are available to download alongside this release. These are:

<b>Live Table 691</b>	Quarterly Right to Buy sales by local authority
<b>Live Table 692</b>	Quarterly Right to Buy receipts by local authority
<b>Live Table 693</b>	Quarterly starts on site and acquisitions by local authority

These tables can be accessed at:

<https://www.gov.uk/government/statistical-data-sets/live-tables-on-social-housing-sales>

## Technical Notes

Please see the accompanying technical notes document for further details.

This can be found at:

[www.gov.uk/government/statistics/right-to-buy-sales-in-england-july-to-september-2020](http://www.gov.uk/government/statistics/right-to-buy-sales-in-england-july-to-september-2020)

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<https://www.statisticsauthority.gov.uk/>

Information about statistics at MHCLG is available via the Department's website: [www.gov.uk/government/organisations/department-for-communities-and-local-government/about/statistics](http://www.gov.uk/government/organisations/department-for-communities-and-local-government/about/statistics)



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January 2021

## Appendix JS8

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Independent Newspaper article





Independent PremiumUK news

## **Council housing sell-off continues as government fails to replace most homes sold under Right to Buy**

Home ownership has fallen since the policy was introduced and flats are ending up in the hands of private landlords, writes **Jon Stone**



Sunday 21 June 2020 09:18

Two-thirds of the council homes sold off under [Right to Buy](#) are still not being replaced by new [social housing](#) despite a promise by the government, official figures show.

[Housing](#) charities warned that enough “desperately needed” genuinely affordable housing is simply not being built, with an overall net loss of 17,000 homes this year from social stock.

Since the policy was updated in 2012-13, 85,645 homes have been sold through the policy, but only 28,090 built to replace them, statistics from the Ministry of Housing, Communities and Local Government show.

Under [Right to Buy](#), the government sells off council housing at discounts of up to £100,000 to tenants.

Despite pitching the policy as a way to get more people on the property ladder, overall home ownership has actually fallen significantly since it was introduced in the 1980s.

Previous studies have shown that around 40 per cent of flats sold under the policy since the 1980s have ended up in the hands of private landlords, who let the homes out to private tenants at higher rates. The proportion is thought to be even higher in areas of high housing pressure like London.

Councils warned ministers when the policy was updated that the steep discounts meant the money would not be enough to replace homes one-to-one, and that the very existence of the policy undermined their ability to finance housebuilding by making it impossible to reliably borrow against future rents.

The government officially committed to replace the extra homes sold due to an increase in discounts in 2012-13, but housing charities say the affordable sector cannot afford to bleed stock at all. The government is still around 7,000 homes short of its own target, which covers construction up to the third quarter of 2016-17 because councils are given three years to replace the sold stock.

Jon Sparkes, chief executive at homelessness charity [Crisis](#), said: “These statistics demonstrate just how serious the current housing crisis is. What few social homes that are available are largely being removed from the market as part of Right to Buy, and the supply is not being replenished in line with this.

“People in desperately vulnerable circumstances are being left with dwindling housing options as a consequence of our threadbare social housing provision. This is all the more worrying considering the rise we expect in people being pushed into homelessness as a result of the pandemic.

“To address this, we need to see the government suspend Right to Buy going forward and prioritisation for social housing being given to people who are homeless so they are able to better access what is currently available. Alongside this, we also need commitment to build significantly more social homes in the coming years to keep in step with demand.

“Ending homelessness in the UK is completely within our grasp, but requires a rethink of existing policies that stand in the way.”

In 2018 Theresa May announced that a long-standing borrowing cap preventing councils from building more homes would be lifting. A survey by the Local Government Association

conducted in March 2019 found that a startling 93 per cent of councils were planning to use the extra headroom.

The Scottish and Welsh governments have already ended Right To Buy, citing its effect on the council housing stock.

Commenting on the Right to Buy figures, Polly Neate, chief executive of the housing charity [Shelter](#), said: “The coronavirus pandemic has drummed into us the importance of having a safe home like nothing before. By the same token it’s made it crushingly clear that not enough people do – including the million-plus households stuck on social housing waiting lists. Many of whom are homeless or trapped in grossly overcrowded accommodation right now.

“Despite being desperately needed, our recent track record on building new social homes is atrocious. There was actually a net loss of 17,000 social homes last year, and as it stands Right to Buy isn’t helping. While some people have benefited from the scheme, the failure to replace the properties sold has deprived many others of a genuinely affordable social home.

“But the status quo can be changed. As the government plots its economic recovery from coronavirus, it could give councils the means they need to replace and build social housing. As well as helping to create jobs and get housebuilding going again, this would offer all those without one, their best shot at a safe home.”

Asked about the figures, a spokesperson for the Ministry of Housing, Communities, and Local Government said: “The government is committed to Right to Buy, which has helped nearly two million council tenants realise their dream of home ownership and get on the property ladder.

“Since 2010 we have delivered more homes for social rent – over 140,000 in total – compared to the number of homes sold under the Right to Buy scheme.”

The ministry’s statement is misleading, however, as the 140,000 figure refers to all social housebuilding rather than those homes built to replace housing sold under Right To Buy using receipts earmarked for this purpose.

# Appendix JS9

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Appeal Decision: Aviation Lane, Burton-on-Trent





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## Appeal Decision

Hearing held on 7 September 2020

Site visit made on 2 September 2020

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7<sup>th</sup> October 2020

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Appeal Ref: APP/B3410/W/20/3245077

Land off Aviation Lane, Burton-upon-Trent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Partner Construction Ltd, Midland Heart, Inside Land (Burton) Ltd against the decision of East Staffordshire Borough Council.
  - The application Ref P/2018/01291, dated 5 October 2018, was refused by notice dated 18 July 2019.
  - The development proposed is 128 no. affordable dwellings off Aviation Lane.
- 

### Decision

1. The appeal is allowed, and planning permission is granted for 128 no. affordable dwellings on land off Aviation Lane, Burton-upon-Trent in accordance with the terms of the application Ref P/2018/01291, dated 5 October 2018 subject to the conditions set out below.

### Procedural Matter

2. The development is described as the erection of 131 No affordable dwellings on the planning application form. However, during the course of the **Council's** consideration of the planning application the subject of this appeal, the number of units was reduced. Both parties confirmed at the hearing that the development proposed is for 128 affordable dwellings and it is on that basis that the Council determined the planning application. I have proceeded on that basis.
3. With agreement, after the Hearing, a legal agreement under S106 of the Town and Country Planning Act 1990 was submitted (the S106). This secures contributions towards education, health services, open space provision, refuse containers and the monitoring and review of a Travel Plan and the monitoring of the agreement by the County Council. It also includes for the provision of 100% affordable housing, the provision and management of open space and the submission and implementation of a Travel Plan. The S106 is a material consideration to which I return later in the decision.

### Main Issues

4. The main issues relate to:
  - the weight to be given to the provision of affordable housing at this time; and

- whether the proposal would provide an appropriate site for development having regard to local and national planning policies that seek to manage the location of new development.

## Reasons

### *Affordable housing*

5. The annual requirement for new affordable housing contained within the East Staffordshire Borough Council Local Plan 2015 (Local Plan) is 112 units. This is based on the findings of the Strategic Housing Market Assessment 2013, updated 2014 (SHMA). It is agreed within the Affordable Housing Statement of Common Ground (AHSOCG) that since the start of the plan period, 638 affordable dwellings have been completed, equating to 80 dwellings per annum, leaving a shortfall of 258 dwellings.
6. As well as the current shortfall, I understand that there are some 2,166 households on the **Council's** Housing Register. While the Council advised that not all are in priority need, which would relate to those with medical conditions, or homeless persons, all meet the relevant qualification criteria.
7. The Council states that the number of affordable houses that currently have permission and are anticipated to come forward (using the permissions as at March 2020) is around 1,076 units, some 884 of which would come forward over the next five years on sites that either have planning permission, or from planning applications that are awaiting determination. The appellant is of the view that only 625 would be likely to come forward within the next five years.
8. The appellant suggests that the Council should recoup the existing shortfall over the next five years, in line with the approach set out in the Planning Practice Guidance (PPG) for overall housing shortfalls.<sup>1</sup> That would result in the need to secure delivery of some 164 dwellings per year over the next five years. The Council, on the other hand, considers that the total amount of required affordable housing, constituting some 1,484 dwellings, would be provided over the whole plan period (2012-2031). In my view, the extent of **the shortfall and the number of households on the Council's Housing Register** combine to demonstrate a significant pressing need for affordable housing now. As such, I consider that, the aim should be to meet the shortfall as soon as possible.
9. Of the seven disputed sites within the five year affordable housing land supply figures, two do not have planning permission, with planning applications from 2017 still awaiting determination<sup>2</sup>. Furthermore, on both there is no agreement to the exact level of affordable housing. Therefore, I am not convinced, in accordance with the guidance in the PPG and the Framework<sup>3</sup>, that there is clear evidence that the 108 dwellings relied on by the Council from these two sites would be deliverable within five years. There is nothing within the Framework or the PPG to suggest that this definition should not apply to affordable housing as well as market housing.

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<sup>1</sup> Paragraph: 031 Reference ID: 68-031-20190722

<sup>2</sup> Nos 44 and 45 on Appendix 1 to the Affordable Housing Statement of Common Ground.

<sup>3</sup> Paragraph: 007 Reference ID: 68-007-20190722 and Annex 2 Glossary to the Framework



10. One of the seven sites has outline planning permission only<sup>4</sup>. While the Council suggest that it is in advanced discussions with a developer, I have seen nothing conclusive to demonstrate an agreed timescale for the submission of a reserved matters, with no clear evidence that there is a reasonable prospect of the associated eight affordable houses coming forward within the next five years.
11. My concern, given the nature of the development proposed, is whether the affordable housing needs of the Borough are being met. These are households in need of a home now. While the Council is of the view that there is not an overwhelming need for affordable housing which cannot be met within the settlement boundary, on allocated sites or through current planning permissions, just by excluding these three sites from its five year housing supply, the Council's expectation of 884 houses coming forward within five years is reduced to 768 which would be below the five year requirement of 818 dwellings including the existing shortfall.
12. The Council suggested that the delivery of affordable housing through the local plan is not the only route to its provision, but it could only point to delivery through the private rented sector as an alternative. Whether this would be genuinely affordable in accordance with the National Planning Policy Framework (the Framework) definition is not guaranteed. The Council also stated that there would be turnover within the existing affordable housing stock, but I have no figures for this, and there has been no substantiated evidence to demonstrate that any reliance on turnover has worked to deliver a satisfactory supply to date.
13. The appellant suggested that the actual number of affordable units provided is likely to be less than the submitted totals due to the effect of Right to Buy legislation. However, no figures were presented in support of this argument.
14. There is no dispute that, in general, the delivery of market housing within the Borough has met the required rate in the Local Plan, following the proposed trajectory in increased delivery over the plan period. In fact, the Council has surpassed the expected levels of delivery in the last two years and there is agreement that the Council can demonstrate a five year housing land supply. However, this has not translated into the expected levels of affordable housing delivery. It is not clear why affordable housing delivery was not stepped to match that of overall housing and the Council was unable to advise me on this.
15. Even in the last two years where housing delivery has been high, the annual requirement for affordable housing has not been met and has only comprised, at most, some 13% of the overall housing provided. Indeed, over the plan period to date affordable housing has only been provided at an average of 16% of overall housing delivery or, on average, 80 dwellings per annum. I note that over the plan period, the average delivery of affordable housing is at 17% of total housing delivery. Even if I were to use this figure, for the Council to meet its annual affordable housing requirement it would need to deliver over 950 units per year, which has not been achieved to date and is not envisaged in the **Council's trajectory** contained in Policy SP3 of the Local Plan, which requires 682 dwellings per annum from 2018/19 onwards.

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<sup>4</sup> No 37 on Appendix 1 to the Affordable Housing Statement of Common Ground

16. Were this trend to continue, then it is unlikely that the required number of affordable homes would be provided in the long term. In any case there is a pressing need now, and the proposed 128 affordable dwellings would go some way to reducing the existing shortfall. I heard from the appellant that funding would be available from Homes England and the site would be delivered quickly, which was not disputed by the Council.
17. In addition, the Statement of Common Ground states that there is a worsening trend in the lower quartile house price to income ratio, as well as the cost of private renting. Furthermore, the average lower quartile monthly rent in East Staffordshire in 2018/19 was £495 per month, an increase of some 24% since 2013/14 and the latest average house price in the Branston ward is around £200,000, an increase of 48% since the start of the Plan period in 2012/13. These affordability factors have all worsened since the adoption of the local plan.
18. In coming to a view on this, I am mindful of the importance attached to the provision of housing and the requirement within paragraph 59 of the Framework to ensure that the needs of groups with specific housing requirements are addressed. In view of the significant number of households **on the Council's Housing Register** (which demonstrates a significant pressing need now) the current shortfall in affordable housing provision and the worsening affordability factors, I consider that the development proposal would be a significant benefit in terms of helping to address the shortfall in the supply of affordable housing in the Borough in the short term that, based on the evidence before me, there is no certainty will be met from existing or future planning permissions.

#### *Location*

19. Policy SP2 of the Local Plan sets out the settlement hierarchy for the Borough. This seeks to direct development towards the most sustainable locations in terms of the level of services and facilities and concentrate development within the designated settlement boundaries of those locations.
20. As the appeal site is outside of the settlement boundary of Burton upon Trent then the Council is of the view that there is clear conflict with Policy SP2. While **the wording of the policy may be "open textured" as suggested by the** appellant, I am satisfied, that when read in conjunction with Policy SP4 of the Local Plan, which **states that "the Development Requirement assigned to the Main Towns and Tier 1 and Tier 2 settlements will be delivered within settlement boundaries or in accordance with a Made Neighbourhood Plan"** then the thrust of the policy within the Local Plan is to direct development to within settlement boundaries. As the appeal site is neither a strategic allocation nor within the settlement boundary then there is conflict with Policies SP2 and SP4 of the Local Plan.
21. The Council confirmed that the purpose of the settlement boundaries, is not only to direct development to the most accessible locations, but also to protect the character and appearance of the countryside.
22. In this instance, no harm is alleged by the Council to the character and appearance of the area. The appeal site forms a large area of undeveloped land on the edge of Burton-upon-Trent, but is bound by housing on its north, east and west boundaries and, as a result, does not have a strong relationship with

the open countryside beyond. While its southern boundary is open to fields, the narrowness of the appeal site together with the containment of the proposed housing within the existing built form means it would be viewed in the context of existing development. So, while the appearance of the site would clearly change, there would be no harm to the character and appearance of the wider area.

23. Local residents suggest that future occupiers would be isolated due to the distance to services and facilities. While the appeal site is somewhat removed from the centre of Burton upon Trent, it is located on a main route into the centre (B5017) which is well served by bus routes and benefits from a constant, lit footway. The Branston Neighbourhood Plan as modified in 2020 (the NP) sets out that there are places where the B5017 is considered to be narrow, cars are parked on the footway and on refuse collection day pedestrians are hindered by bins left out on the footway. However, the parking of vehicles and placement of bins on the footway would not occur at all times.
24. I saw that facilities such as a local convenience store and school are within a convenient walking and cycling distance of the appeal site. I was also advised that the local bus service is now in operation every half an hour during the day. I appreciate that there may be no service after 7pm or on a Sunday. However, I am satisfied that while there may be sites which are in or nearer the centre of Burton-upon-Trent, there would be no conflict with paragraphs 8b and 103 of the Framework in that future residents would have nearby accessible services, with the location of the appeal site offering a genuine choice of transport modes.
25. Policy SP8 of the Local Plan states that development beyond settlement boundaries will not be permitted unless it sits within one of nine categories. It was agreed at the hearing that the only two categories which could be relevant to this proposal would be whether it was in accordance with a made Neighbourhood Plan, or whether it was development under the Rural Exception Sites policy (SP18).
26. The NP does not allocate any sites for development, as when it was made there were more than sufficient allocated sites to meet the Local Plan requirements. In as much therefore that the NP does not allocate any sites for development the proposal would not be in accordance with any allocation within it. This would be particularly so given that Policy SP4 of the Local Plan states that the development requirement assigned to main towns will be delivered within settlement boundaries or in accordance with a made Neighbourhood Plan. Therefore, purely for the purposes of Policy SP8, which deals with the location of new development, the development cannot be said to be in accordance with a made Neighbourhood Plan. Further discussion on individual policies is set out in paragraphs 37-41 below.
27. Policy SP18 is permissive of small developments of new affordable housing on suitable sites outside settlement boundaries where there is a need for such that would be not otherwise be met, subject to certain criteria. With regard to those criteria, the Council maintained that this is not a small development and that the need for affordable housing would be otherwise met within settlement boundaries. The Council also asserted that the policy is aimed at ensuring that affordable housing need arising in small rural villages is provided. However,

there is nothing in the policy itself, or the reasoned justification, that indicates that it only applies to small rural villages.

28. I accept that 128 dwellings may not be considered to be a small development and, with regard to the definition of Rural Exception Sites in the Framework, **that this may not be a "small" site, although there is no definition** of small in either the Local Plan of the Framework in this regard. However, having regard to the other criteria, the scale of development would, in this case, be appropriate given the size of Burton upon Trent. As set out above, I have found that it is not certain that the current and future identified need for affordable housing could be accommodated in the short term, by existing sites with planning permission some of which are within settlement boundaries.
29. The last of the pertinent criteria requires that the development comply with other relevant policies of the plan. In as much as the development and the site are not small, and I have found conflict with Policies SP2 and SP4 then there is conflict with Policy SP18. That brings the proposal into conflict with Policy SP8.

#### Other matters

30. Properties along Aviation Lane mainly present a side elevation to the appeal site. Those that do have a rear elevation facing the site are set well back from the boundary. Similarly, properties on Henhurst Hill have long rear gardens which would abut an area of open space on the proposed layout. Properties to the east are still under construction, but most on the proposed layout would have lengthy gardens adjoining the boundary. Therefore, I am satisfied that intervening distance between the houses would ensure that the proposal would **not cause harm to existing residents' living conditions** with regard to privacy, outlook and light.
31. The proposed development would be served from one access from Aviation Lane. At the hearing the appellant confirmed that both Aviation Lane and the immediate access point to the development are of sufficient width to allow cars and larger vehicles to pass and would include a footway. I take the point that cars may be parked on these roads which would narrow the carriageway. However, much of the neighbouring road network is subject to a one way system and, in any case, I have seen no substantiated evidence to suggest that parked cars lead to an unacceptable level of congestion. Moreover, their presence often helps to slow down traffic. Furthermore, the proposed layout, although only served by one access, would incorporate a looped or interconnected street pattern which is considered appropriate for developments of up to 200 dwellings in accordance with the Staffordshire County Council Residential Design Guide 2000.
32. The appellant also confirmed that the submitted Transport Assessment 2018 (TA) had regard to all existing and committed development to 2025, as well as the level of HGV movements on the roads, in reaching its conclusions. Furthermore, while there have been four personal injury collisions within the last five years, these appear to have been due to user error rather than any discernible pattern to the use of the carriageways and junctions in the area.
33. The TA concludes that the development does not have an adverse impact on the safety of all users of the highway. Staffordshire County Council as Highway Authority has assessed the TA and raised no objections to the development.

34. I accept that local knowledge is important, and that the NP acknowledges problems with the B5017 and that development in the locale should be carefully controlled. However, in the absence of any substantiated evidence to dispute that provided by the appellant within the TA, I am satisfied that the proposal would not have an adverse impact on highway safety.
35. **The appellant's ecological report finds that the appeal** site is mostly of low ecological value, but that the hedgerows and boundary vegetation and some trees have value in supporting some species. The landscape masterplan (500237/001B) shows that existing hedgerows would be mostly retained in the proposed layout.
36. Furthermore, a condition could be imposed both to seek an appropriate landscaping plan and ecological measures to improve the overall biodiversity of the site. I am satisfied therefore that the proposal would not be materially harmful to ecology and biodiversity.
37. The proposed layout provides the potential for linkages to both Aviation Lane and the development to the east under construction. Policy B1 of the NP requires that all new development, defined as major for planning application purposes, will be expected to include the provision of new, safe walking, and where appropriate cycling and mobility vehicle routes, linking into existing wider routes, creating an attractive pedestrian friendly neighbourhood in Branston which encourages travel by means other than the car for short journeys. While there is no guarantee that the pedestrian linkages between the different residential areas would be established, this would not in itself prevent occupiers walking to nearby facilities.
38. The design and layout of the proposed housing forms a development pattern not dissimilar to that in the adjacent housing estates. I am satisfied therefore that there is no conflict with Policy B2 of the NP regarding high quality design.
39. Policy B5 of the NP requires that overall a green infrastructure approach to design should be provided. Furthermore, Policy B7 states that new developments will be required to provide a mix of private space and open space uses which meets local need, including **children's play areas, sports pitches, allotments and amenity green space** in accordance with the most up to date guidance adopted by the Council. While there is a deficit in the overall level of open space that would be delivered on the appeal site when assessed **against the requirements of the Council's Open Space and Playing Pitches** Supplementary Planning Document 2019 (the SPD), a commuted sum, to be spent on facilities close by, would mitigate that. This is an approach supported in the SPD. The proposal would also **provide children's play space and equipment**. The central area of open space breaks up the two areas of development, with that to the north providing a buffer to the existing housing on Henhurst Hill.
40. It was agreed at the hearing there is no reason why trees could not be planted on the areas of green space and this could come forward as part of a landscaping scheme secured through the imposition of a condition.
41. **The proposed parking provision is in accordance with the Council's Parking** Standards Supplementary Planning Document 2017. However, amendments made to Policy B11 of the NP in February 2020, after the determination of the planning application, means that it would not meet the required one off-street

car parking space for each bed space provided. Nevertheless, the Policy goes on to state that the requirements may be varied where in the opinion of the Local Planning Authority, the additional parking likely to be generated by the development can be safely accommodated on-street, without causing obstruction to driveways or hindering the passage of emergency, refuse collection and delivery vehicles. The Council raised no objection to this part of the proposal. Furthermore, I heard from the appellant that the width of the road would be such that on street parking could be safely accommodated. I have seen no evidence to suggest any different. Therefore, I find no fundamental conflict with Policy B11 or any policies within the NP.

42. Concern was raised regarding the potential for the flooding of gardens of properties on Henhurst Hill given the slope of the land. However, the appellant confirmed that both the Lead Local Flood Authority and the Environment Agency have raised no objections to the development based on the submitted Flood Risk Assessment and Drainage Strategy. I see no reason to disagree.

#### S106 Agreement

43. All of the dwellings would be provided as affordable homes secured by the planning obligation. Since the justification for the development on land outside the settlement boundary, is reliant on the proven need for affordable housing, the arrangements secured are necessary.
44. The financial contribution of £9,600 towards refuse containers is in accordance with the £75 costs per unit which is the cost of providing the recycling wheelie bin and associated set up costs for each household.
45. The provisions for **open space and children's play facility is in line with the** requirements of the SPD. As there would be an increased population due to the proposal, I am satisfied that the proposed development would generate a requirement for the suggested level of open space, some of which would be met on site. The SPD allows for the payment of a contribution where the on-site provision would fall below the required amount of open space. Therefore, the financial contribution of £37,302 towards public open space is necessary. The agreement also includes provision for the maintenance of the on-site provision.
46. The statement from the education authority shows that existing education provision for primary, secondary and sixth form provision is at capacity, and the proposed development would increase demand for places. The S106 includes a sum of £376,534.32 towards primary, £85,570 towards secondary and £18,560 for sixth form provision at the closest facilities. I am therefore satisfied that the payment of the required contributions would adequately mitigate the impact of the proposal on the education infrastructure.
47. The evidence presented by the NHS East Staffordshire CCG demonstrates that the existing GP practices do not have the capacity to manage increased patient demand. Occupation of the 128 dwellings proposed would lead to an increase in demand for local health facilities. From the evidence before me, I am satisfied that the requested contribution of £55,020 towards a new facility in the locality of the appeal site is fairly and reasonably related in scale and kind to the development and necessary to make the development acceptable.



48. The S106 requires the submission of a Travel Plan, the appointment of a Travel Plan Co-ordinator together with its implementation and the production and submission of an annual performance report for approval to the County Council. This is necessary to ensure that the proposal contributes to sustainable development as required by Policy SP1 of the Local Plan. There is little detail before me regarding how the monitoring sum requested by the County Council has been calculated. I was advised by the Council that it is a standard sum requested for major developments. The PPG<sup>5</sup> requires that the costs are proportionate and reasonable and reflect the actual cost of monitoring. Bearing in mind that there is an ongoing requirement for annual monitoring of the Travel Plan after its initial approval I am satisfied that the sum requested of £11,900 meets the requirements of the PPG.
49. The County Council has also requested the sum of £1,110 towards the cost of monitoring (including reporting under the CIL regs) the obligations contained in the Deed. From my understanding of the Deed this would relate to the three contributions to education for which there are two trigger points for payment. Based on this, the requested sum seems a reasonable amount and in accordance with the PPG.
50. Therefore, based on the evidence before me, these obligations, are necessary and meet the statutory tests contained in Regulation 122 of the CIL, and the requirements of paragraph 56 of the Framework.

#### Planning balance and conclusion

51. To develop the appeal site as proposed would be contrary to Policies SP2, SP4 and SP8 of the Local Plan. I am mindful that the Framework recognises that the planning system should be genuinely plan led. However, I have found in this instance that the aims of the spatial strategy regarding accessibility and protection of the countryside contained in the development plan would not be unacceptably harmed and therefore any harm caused by the conflict with the development plan as a whole would be very limited.
52. Planning law requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case I have found that the delivery of the site for 100% affordable housing would be a very significant benefit. Indeed, the SOCG sets out agreement that the weight to be afforded to the provision of affordable housing is at least significant. On a straightforward development plan balance, I am firmly of the view that the provision of the affordable housing proposed is a significant material consideration which, in this instance, outweighs the development plan conflict.
53. The Council referred me to an appeal decision<sup>6</sup> which it considers to be similar circumstances to the appeal before me now. The Inspector found that, in light of the Council being able to demonstrate a five year supply of housing, the material considerations were not sufficient to outweigh the conflict with the development plan, even though the scheme would amount to sustainable development for the purposes of the Framework. However, that scheme was for a market led housing scheme which did not accord with Policies SP2, SP4 and SP8 of the Local Plan. The proposal before me is different in providing

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<sup>5</sup> 036 Reference ID: 23b-036-20190901

<sup>6</sup> APP/B3410/W/16/3150471

100% affordable housing as a material consideration which would outweigh the conflict with the development plan in this instance.

54. We spent some time at the hearing discussing which were the most important policies for determining the appeal and whether or not they were out of date for the purposes of paragraph 11d of the Framework. However, given my findings regarding the development plan balance I have not considered this matter further.
55. For the reasons given above I conclude that, on balance, the appeal should be allowed.

#### Conditions

56. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the PPG and have made such amendments as necessary to comply with those documents.
57. In the interests of certainty, it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans and details of a phasing plan are submitted for approval.
58. Conditions regarding materials, finished floor levels and landscaping (including landscape management) are necessary to protect the character and appearance of the area.
59. Details of protection of existing hedgerows and trees on site are required prior to work commencing on site to ensure that the existing landscaping is protected from construction damage.
60. A condition requiring details of an open space strategy and its implementation are necessary to ensure that such facilities are available on site for the future occupiers in accordance with the Councils SPD.
61. A condition requiring 10% of the dwellings to meet standard M4 (2) of the Building Regulations is necessary to ensure that a proportion of the proposed dwellings are accessible and adaptable. Details need to be submitted prior to work commencing on site to ensure that the required proportion are provided in a satisfactory manner.
62. Details of the disposal of foul and surface water are required prior to development taking place to ensure that the proper systems are in place and that the development does not cause flooding elsewhere.
63. Conditions regarding the implementation of boundary walls and fencing, a construction management plan and noise and dust mitigation are required to protect residents' living conditions.
64. A condition requiring details of ecological enhancement measures is necessary to ensure that biodiversity on the site is improved.
65. Conditions 14, 15 and 16 are required to protect highway safety. A condition regarding unexpected contamination and soil imported to the site are necessary to ensure that satisfactory living conditions are provided for future occupiers of the development.

66. An Air Quality Impact Assessment, including any mitigation measures is required to be submitted prior to work commencing on site to ensure that accurate details are submitted prior to construction works.

67. Details of cycle parking are necessary to encourage travel by an alternative means than the car.

*Zoe Raygen*

INSPECTOR

#### APPEARANCES

##### FOR THE LOCAL PLANNING AUTHORITY

Helen Kent

Associate Director LUC on behalf of East Staffordshire Borough Council (ESBC)

Naomi Perry

Planning Manager, ESBC

Kerry Challoner

Principal Planning Officer, ESBC

Michael Petter

Housing Officer, ESBC

##### FOR THE APPELLANT

Thea Osmund Smith of Counsel

Instructed by:

Andrew Gore

Partner, Marrons Planning

James Stacey

Senior Director, Tetlow King Planning

Annie Gingell

Senior Planner, Tetlow King Planning

Anna-Maria Edwards

Head of Business Development, Midland Heart

Dr Amer Halabi

IPRT Planning

##### INTERESTED PERSONS

Councillor Mike Ackroyd

Chair, Branston Parish Council

##### DOCUMENTS SUBMITTED AT THE HEARING

- 1 Statement by Councillor Ackroyd
- 2 Tenure Plan 41262/026G
- 3 Statement of CIL Compliance

##### DOCUMENTS SUBMITTED AFTER THE HEARING

- A Section 106 Agreement

### SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans subject to compliance with other conditions of this permission: 41262/002A, 41262/006G, 41262/007F, 41262/008H, 41262/009G, 41262/010D, 41262/013E, 41262/014F, 41262/015F, 41262/016E, 41262/018F, 41262/019F, 41262/020H, 41262/021H, 41262/023F, 41262/024F, 41262/025G, 41262/026G, 41262/027F, 41262/028C, 41262/029, SK1c, D3665-02, 500237/001B.

#### Phasing

- 3) Prior to commencement of development a phasing plan identifying all phases of development should be submitted to and approved in writing by the Local Planning Authority. The development will only be carried out in accordance with the agreed phasing plan.

#### Materials

- 4) No development above damp proof course shall take place until samples of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of brickwork and roof tiles) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

#### Landscaping and ecology

- 5) No development shall take place until a scheme of landscaping to include full details of National Forest Planting has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out for each particular phase in the first planting and seeding season following the first occupation of the building(s) of the same phase or completion of the same phase, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- 6) No development shall take place until a scheme of tree and hedgerow protection to include full details of measures for the protection of trees and hedges to be retained during the course of development has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
- 7) Prior to first occupation of the development hereby permitted details of ecological enhancement measures (including bird nesting and bat roosting facilities) to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancement measures shall be installed prior to the 50% occupation of the development and thereafter made available at all times for their designated purposes.

- 8) No development above damp proof course shall take place until a landscape management plan for all phases of development has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

#### Boundary walls and fences

- 9) Prior to the first occupation of any of the residential units hereby granted permission the fencing and walling shown on plan ref 412/62/024F to serve the respective dwelling shall be provided.

#### Levels

- 10) Before the development hereby permitted is first commenced, details showing the existing and proposed land levels of the site including site sections and spot heights and the finished floor levels, ridge and eaves heights of all buildings hereby permitted with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

#### Open space

- 11) No development shall take place until an open space strategy, to include a timescale for implementation, for the development has been submitted to and approved in writing by the Local Planning Authority. The open space strategy shall be in line with the requirements of the Councils Open Spaces SPD and shall include full details of children's play area equipment. The children's play area shall be provided no later than the occupancy of the 80<sup>th</sup> dwelling within the development. The development shall only be carried out in accordance with the approved details.

#### Accessible and adaptable dwellings

- 12) No development shall take place until a scheme to provide 10% of dwellings on site to be constructed in accordance with Building Regulation 2010 Standard M4 (2) standards. Those dwellings shall be completed to the Building Regulation 2010 Standard M4 (2) prior to their first occupation.

#### Drainage

- 13) No development shall take place until a scheme for the disposal of foul and surface waters, including a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and Severn Trent Water Ltd. The scheme shall demonstrate:
- i) The surface water run-off generated by the 100 plus 40% (for climate change) critical storm is limited so that it will not exceed the 6.5l/s and not increase flooding off site.
  - ii) Provision of attenuation flood storage on the site to a 100 plus 40% (for climate change) critical storm.
  - iii) Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a

range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- iv) The Simple Index Approach to the managing run off water quality has been followed as detailed within the CIRIA C753 SuDS manual.
- v) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- vi) Provision of acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

The development shall be completed in accordance with the approved details prior to its first occupation.

#### Highway Safety

- 14) No development shall take place until full details of road construction and street lighting, including longitudinal sections and a detailed surface water drainage scheme to demonstrate satisfactory means of draining the roads to an acceptable outfall, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
- 15) Prior to the first occupation of each dwelling hereby granted permission the access, turning and car parking provision to serve that dwelling shall be provided in a bound porous material, and thereafter shall be made available at all times for their designated purposes.
- 16) The visibility splays shown on drawing ref 41262 /029 shall be provided and thereafter maintained at all times for the lifetime of the development to retain visibility over a height of 600mm above the adjacent carriageway level.

#### Cycle parking

- 17) No dwelling hereby permitted shall be occupied until a scheme of secure weatherproof cycle storage facilities to serve all of the dwellings within the development has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Once provided the approved secure weatherproof cycle storage facilities shall thereafter be retained as available at all times for their designated purposes.

#### Construction management plan

- 18) No development shall take place until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority. The submitted Construction Management Plan shall include:
  - i) A site compound with associated temporary buildings
  - ii) The routing of all demolition and construction vehicles to and from the site. The measures shall include the phasing of movements to avoid traffic congestion.
  - iii) The removal of demolition materials from the site
  - iv) The parking of vehicles of site personnel, operatives and visitors



- v) Arrangements for the loading and unloading of plant and materials
- vi) Areas of storage for plant and materials used during the construction of the development
- vii) Measures to prevent the deposition of deleterious material on the public highway during the construction of the development

The approved Construction Management Plan shall be implemented and adhered to throughout the construction period.

#### Contamination

- 19) If during the course of development, contamination not previously identified is found to be present on the site, then no further development shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.
- 20) Any soil to be imported to the site shall first be chemically analysed for contaminants, with the results submitted to and approved in writing by the Local Planning Authority prior to the soil being installed.

#### Air Quality Assessment

- 21) No development shall take place until an Air Quality Impact Assessment has been submitted to and approved in writing by the Local Planning Authority which shall include details of any air quality mitigation measures required. The development shall only be implemented in accordance with the approved mitigation measures and maintained as such for the life of the development.

#### Noise and dust mitigation

- 22) No development shall take place until a scheme of noise and dust mitigation has been submitted to and approved in writing by the Local Planning Authority which shall include details of any emissions of noise, vibration and dust controls during construction and earth moving works so as not to impact on nearby receptors. The noise and vibration control measures shall be devised according to BS 5228-1 & A1: 2014 Code of Practice for noise and vibration control on construction sites or updated guidance. The scheme of dust control measures shall be devised in **accordance with the 'Guidance on the assessment of dust from demolition and construction' produced by the Institute of Air Quality Management 2014.** The development shall be undertaken in accordance with the approved details.

\*\*\*\*\*END OF CONDITIONS\*\*\*\*\*

## Appendix JS10

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St Albans Housing Allocation Policies July 2015, August 2018,  
February 2021





# **Housing Allocations Policy Choice Based Lettings**

**July 2015**

*July 2015*

*Victoria Brett*

## **Housing Allocations Policy**

### **Lettings Covered by the Allocations Policy**

This Allocation Policy sets out the Council's arrangements for allocating housing accommodation within the meaning of Part 6 of the Housing Act 1996 (the 1996 Act) and related guidance; that is

- the selection of applicants to be offered secure, flexible/fixed term or introductory tenancies by the Council.
- offers of secure, flexible/fixed term or introductory tenancies from other councils, or other bodies able to grant secure tenancies.
- offers of assured /flexible tenancies from registered social landlords.

### **Equality**

The Council is committed to ensuring equal access and allocation of housing. No one will be treated any less favourably than anyone else because of race, colour, origin, religion, sex, disability, sexual orientation and age.

The Council operates an Equal Opportunities policy and copies are available from The Civic Centre, St Peters Street, St Albans, Herts, AL1 3JE, telephone number 01727 866100. (Do we have this policy?)

The development of a clear and consistent Allocation Policy goes hand in hand with careful monitoring to ensure that housing allocations are fair and seen to be fair by everyone.

It is also important that the Allocation Policy is understood by everyone who is part of it. Information leaflets and other communications that are easily understandable, audio and large print versions will be made available as appropriate. We can arrange a translation service for people who visit the Council Offices. If you need this service, please contact our Housing Options Department on 01727 819355 or e-mail on [HousingOptionsGroup@stalbans.gov.uk](mailto:HousingOptionsGroup@stalbans.gov.uk)

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## **1. Introduction**

### **Your Home, Your Area, Your Choice**

- 1.1 St Albans District Council allocates homes through Choice Based Lettings.
- 1.2 The Allocations Policy enables the Council to consider the individual needs of applicants whilst making best use of the scarce housing resource. The policy sets out:
  - How properties are allocated
  - How to apply for housing
  - Who is a qualifying person and can be accepted onto the housing register
  - Who is not a qualifying person and cannot be accepted onto the housing register
  - How priority for housing applicants will be given
  - How homes will be let
- 1.3 Many people who apply for housing will never be allocated a property by the Council because of the shortage of affordable housing in the district. Even if you have a high housing need you may have to wait for a considerable time before we are able to offer you a council or Registered Provider home.
- 1.4 The Council works with other Registered Providers in the District to provide affordable housing. Registered Providers include the Council as well as Registered Providers and when we advertise properties the details of the relevant landlord will be included in the advert.

## **2. Aims and Objectives**

The overall aim of the Allocations Policy is to provide a framework for the equitable, effective and accountable allocation of affordable housing in the district. The policy gives priority to those in greatest housing need, but also reflects the wider objectives of increasing choice, promoting stable and sustainable communities and making the most effective use of the housing stock.

- 2.1 The Council's Housing Allocations policy aims to:
  - Ensure that the allocations and assessment policy is transparent, simple, and easy to understand for all.
  - Provide applicants with choice and give reasonable preference to those with the greatest housing need.

- Offer applicants open and fair access to housing and recognise diverse needs.
- Offer applicants a more active role in choosing accommodation, taking account of individual circumstances and waiting time.
- Provide applicants with sufficient information to make informed choices about opportunities for re-housing and understand the criteria and processes adopted by the Council.
- Maximise the use of, and efficiently let, all housing stock available to the Council.
- Promote social inclusion, sustainable communities and ensure that applicants benefit from any future regeneration and development taking place within the district.

## 2.2 **Prioritising housing**

The Council is required by law to give priority to certain groups, these are defined by the current statutory reasonable preference categories which are set out in s.166A (12) of the 1996 Act. These were rationalised in the Homelessness Act 2002 (and further refined by the Housing Act 2004) and are based on housing need.

These groups (reasonable preference categories) are:

(a) people who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people who are intentionally homeless, and those who do not have a priority need for accommodation.

(b) people who are owed a duty by any local authority under s.190(2), s.193(2) or s.195(2) of the 1996 Act (or under s.65(2) or s.68(2) of the Housing Act 1985) or who are occupying accommodation secured by any local authority under s.192(3).

(c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.

(d) people who need to move on medical or welfare grounds, including grounds relating to a disability, and

(e) people who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship (to themselves or to others).

As well as the groups the government says we must help, we have also decided to give priority to social housing tenants living in our district who will release a family-size home so that we can make best use of our housing stock.

### **3. Statement of Choice**

- 3.1 Choice-based lettings (CBL) allows qualifying applicants to select properties that they are interested in, and the scheme follows an open and transparent process, helping applicants make informed choices about where they want to live and the type of property they would prefer.
- 3.2 The Council is fully committed to enabling applicants to play a more active role in choosing where they live by advertising properties through Herts Choice homes and providing feedback about applicants bids.
- 3.3 The Council believes that social housing should be seen as one of a range of options available to applicants. Information on all available housing options can be obtained from the Customer Service Centre or the Housing Options Team at the Council. You can also access information directly via the internet. Please refer to the end of this document for contact details.
- 3.4 If you do not have an identified housing need you will not be allowed to register for housing unless you are aged 60 or over and have a local Connection to the St Albans District. In these circumstances you will be considered for sheltered accommodation (if you meet the criteria) or properties restricted for applicants aged 60 and over only. In view of this, it is important to consider other housing choices that are open to you, these may include:
- Privately rented housing
  - Low cost home ownership
  - Reducing your overcrowding by helping some members of your household move to their own accommodation
  - Moving to an area of the country where council and/or Registered Provider properties are more freely available
  - Staying where you are, but getting help to make your property more suitable for your needs
  - A mutual exchange (swapping homes with another social housing tenant). You can register for a mutual exchange at [www.homeswapper.co.uk](http://www.homeswapper.co.uk).

We will help and advise you on options that may be suitable for you.

- 3.5 If an applicant applies without a housing need and they are over 60 years of age with a Local Connection to the St Albans District, they will be placed in Band E. They may only apply for sheltered accommodation (if you meet the criteria) and properties that are restricted for applicants aged 60 and over.

**If you are already homeless, or think you may be going to lose your home**, you should contact the Council's Housing Options service. It is important that you talk to us as soon as possible – we may be able to help you to keep your current home, at least for a time whilst you explore your housing options. If you do become homeless and the Council accepts a duty to house you, you face spending time in temporary accommodation and you will not necessarily be offered a council or Registered Provider property by us when we discharge our housing duty to you.

#### **4. Links to other policies**

4.1 The Allocations Policy will work in parallel with a number of other key policies and priorities of the Council and these include the strategies listed below which are available on our website

- The Homeless Strategy (under s1 Homelessness Act 2002)
- The Tenancy Strategy (under s150 Localism Act 2011)
- The Housing Strategy
- Supporting People Strategy
- Private Sector Housing Strategy
- Equal opportunity/diversity and vulnerability
- Access and inclusion policy

#### **5. Monitoring and review of the Allocations Policy**

5.1 The Housing Options Team will monitor the operations of the Allocations Policy by:

- Regularly reviewing the policy to ensure that the policy meets its stated objectives and complies with legislative changes.
- Assessing the impact, if any, that offering choice has upon vulnerable, black and minority ethnic groups and all other groups.
- Publishing lettings statistics every six months.

#### **6. Housing Register**

6.1 Whilst the Council still owns and manages housing stock, it works in partnership with a number of Housing Associations who also provide secure, good quality, affordable rented housing. We maintain a

Housing Register and have nomination rights to a large number of properties managed by numerous Registered Provider's.

- 6.2 The Council will operate a Housing Register which will include all applicants who apply and are approved for Social Housing. Lettings will only be made from the Housing Register. The Housing Register includes tenants of St Albans District Council and from Registered Providers

## **7. Who can apply to join the Housing Register?**

To join the Housing Register, applicants must be a qualifying person. In order to be a qualifying person, applicants must meet all the qualification classes set out below:

- be aged 16 years of age or over although you cannot hold a tenancy until you are 18.
- not be subject to immigration control or be an applicant from abroad unless the applicant is a 'qualifying person' as described by law
- be habitually resident in the common travel area (England, Scotland, Wales, Ireland, Channel Islands and the Isle of Man)
- Have a local connection to the St Albans area. Full details of Local connection are given at 7.6
- Have an identified housing need that would place you into Bands A-D (unless aged 60 and over and applying for sheltered or properties restricted for those aged 60 and over) and
- Have no history of unacceptable behaviour.

### **7.1 Unacceptable behaviour**

Applicants will be excluded from joining the housing register if the applicant or a member of their household is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.

*What is unacceptable behaviour?*

Unacceptable behaviour is defined as behaviour which, if the person concerned were a secure tenant, would entitle the Council to seek a Possession Order against them. (Please see Appendix One for further details). Examples of such behaviour include:

- Previous or current rent arrears
- Breaches in your tenancy agreement
- Previous or current property damage
- Harassment or anti-social behaviour
- Any relevant criminal activity

**Please note that this list is not exhaustive** and applies regardless of who your landlord was at the time the unacceptable behaviour took place.

You did not (do not) have to be a secure tenant of the Council (or any Council) at the time and neither does an eviction have to have taken place.

When making decisions regarding unacceptable behaviour the Council will consider:

- When the unacceptable behaviour took place. Consideration will be given to the length of time that has elapsed and whether there has been any change in circumstances.
- What action the landlord would have taken against the perpetrator of the unacceptable behaviour. The behaviour must be serious enough for the Council to be granted a possession order.
- Whether the unacceptable behaviour is due to a physical, mental or learning disability.

St Albans District Council, its partner landlords and the residents of St Albans have a right to expect certain standards of behaviour. Therefore, before you are accepted onto the waiting list, or made an offer of a property, we may seek certain references to see if you qualify to join the waiting list and will be a suitable tenant of the Council.

Any household can be excluded from the register for unacceptable behaviour, not only those who were previously a local authority (council) or Registered Providentenant.

## **7.2 Notifying a non qualifying applicant**

If the Council decides that an applicant does not meet the qualifying criteria to register for housing, they will be notified in writing and be given clear grounds for the decision. Applicants have a right to request a review of the decision. Details of how to do this are given in section 27.

If your circumstances change and you think that you may meet the qualifying criteria to register for housing, you can make a fresh application.

If you are a tenant with rent arrears, you will only qualify to join the Housing Register if you have been making regular payments towards your arrears for a minimum period, which is usually at least 6 months.

Transfer applicants (social housing tenants-please see 8.12 for definition) who apply to move to a smaller property with rent arrears will not necessarily be excluded from making a transfer application. In making this decision we will take into account the level of rent arrears and whether these have accrued as a result of the spare room subsidy.



If the Council decide that you do not qualify to appear on the Housing Register, we will write to you to explain the reason. You can ask us to review the decision.

### **7.3 Keeping applications up to date**

All applicants must notify the Council when their circumstances change. Any changes in priority or bedroom requirements will date from when the information, including supporting evidence is received. It is the responsibility of the applicant to inform us if their circumstances change and to provide us with up to date contact details.

We will periodically write to all applicants on the list asking applicants if they wish to remain on the housing list. This will be done every 5 years and applicants will need to respond within a specified timescales advising that they wish to remain on the list and providing any required information.

### **7.4 Cancellation of Applications**

Applicants may be cancelled for one or more of the following reasons:

- (a) The applicant requests cancellation
- (b) The applicant's circumstances change and they no longer meet the qualification criteria.
- (c) The applicant fails to return an update form or provide the verification documentation requested by the Council within the timescale requested.
- (d) The applicant is found to have made a false or deliberately misleading statement in connection with their application
- (e) The applicant is re-housed by a registered landlord (council, Registered Provider, ALMO etc)
- (f) The applicant has not bid for a period of 6 months or longer.

(This list is provides examples - there may be other reasons why an application is cancelled).

When an application is cancelled, we will write to the applicant or their representative at their last notified address to notify them. Where an applicant has been highlighted as vulnerable, the Council will also try to contact the applicant by telephone or visit to check their circumstances before cancelling the application. Any applicant whose application has been cancelled has the right to ask for a review of the decision. This must be made in writing and within 21 days of the decision.

Where an applicant wishes to re-join the housing register at a later date their new date of registration will be the date they re-apply. Their date in band will be the date that they are placed in a housing needs band following assessment of the new application.

If however it is proven that an official error occurred or the applicant was unable to respond due to exceptional circumstances, we will reinstate the applicant on the scheme with their old registration date.

## **7.5 Reinstatement of Applications**

Applicants may be reinstated to the housing register on submission of written reasons confirming why their application lapsed. Requests will be considered on their merits by the Housing Options Co Ordinator (Choice Based Lettings & Temporary Accommodation).

## **7.6 Local Connection**

Applicants must demonstrate that they have a local connection to be considered for registration on the housing waiting list. For an applicant to be considered as having a local connection to the St Albans Council's district they must qualify under one or more of the following grounds:

- Applicant or joint applicant's usual residency is in St Albans District by the applicant's choice. This must have been for a minimum period of 3 consecutive years immediately prior to applying for housing. Please note that applicants in hostel accommodation in St Albans District or applicants without a fixed abode will not be considered to meet the residency requirements.
- Applicant or joint applicant is currently in permanent employment in the St Albans District for 16 hours or more a week and has been for a minimum of 12 months immediately prior to applying for housing.
- Applicant or joint applicant has close family living in the St Albans District (parents, brothers and sisters, sons or daughters who are over 18) who have lived in the district for the last 10 (ten) years immediately prior to the housing application being made.
- The applicant is an existing social housing tenant in St Albans District.
- Where the Council agrees that there are special circumstances.

**Please note that applicants who meet the criteria below do not need to demonstrate a local connection to the St Albans District.**

- A member of the regular forces or someone who has served in the regular forces within 5 years of the date of applying for housing.
- Has recently ceased, or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death

of their partner and that the death was wholly or partly attributable to that service.

- Is currently serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

## 7.7 Suitability Test

Not everyone who is entitled to join the housing register will be suitable to be a social housing tenant. When an application is registered, or while it remains on the housing register, the Council may withdraw the right to bid or any offer of accommodation.

**Applicants who are not deemed suitable will have their application rejected or made inactive.** We will give due consideration on a **case by case basis** in the following circumstances:

**Applicants have Rent Arrears:** If you are a tenant with rent arrears, you will only qualify to join the Housing Register if you have been making regular payments towards your arrears for a minimum period, which is usually at least 6 months. Discretion will be exercised if:

- An overpayment of housing benefit was due to an error by the Council;

Arrears accrued due to monthly rent payments where the account is consistently clear when the rent is paid monthly on a regular basis.

**The Applicant has neglected or caused damage to Property:**

The applicant and/or member of their household owe a debt to the Council, Registered Provider or Private Landlord from a tenancy, because of damage to the property. Their application will be not be accepted until the debt has been paid in full. If the applicant's property is in a seriously neglected condition through the fault of the applicant, the application will be not be accepted until the condition of the property is brought up to an acceptable standard or any debt incurred is paid in full. This will include cases where the applicant has carried out unauthorised structural works to their property.

**Applicants have received funding for Aids & Adaptations:** The applicant has applied for and has been granted funding for aids and adaptations to the property valued at £1,000 or more, or the adaptations were carried out in the previous 5 year period.

**Applicants are guilty of causing criminal or Anti-Social Behavior:** The application will be refused if the applicant's and/or a member of their household's behaviour affects their suitability to be a social housing tenant. This will be decided on a case by case basis.

The application will also be refused if any member of the applicant's household has assaulted or harassed an employee or agent of the Council, a Registered Provider or a private landlord and this was either:

- Proven by their convictions for an offence which happened during the tenancy, or
- Backed up by evidence which would have been presented in a court action for possession of the tenancy, if the tenancy had not ended before the court action could be taken.

**Applicants will normally be made inactive in the following circumstances**

- **Applicant is held in HM prison:** Applicants will have their applications made inactive until a period of 1 month before their release date, and official confirmation of this date will be required. If they do not have accommodation they may apply as homeless.
- **Applicants are serving Members of HM Forces:** Applications will be made inactive until a period of 3 months before their discharge date, and official confirmation of this date will be required. Those who occupy married quarters will also be required to submit confirmation that they are no longer entitled to occupy the married quarters.
- **Applicant is residing in supported accommodation.** In these case applicants will have their application made inactive until confirmation is received that the applicant has completed the necessary support programme and is ready for move on to independent accommodation.

**7.8 Who decides on exclusions from the housing register or making an application inactive?**

The Housing Options Co-Ordinator level will decide when to make an applicant inactive or to exclude them from the waiting list, giving:

- The reasons for making an application inactive or excluding the applicant from the register
- The date the inactive application will be reviewed

**7.9 Inactive application/ Excluded applicant reviews**

Applicants have the right to appeal against the decision to make an application inactive or not to accept an applicant onto the register.

Please refer to Section 27 (Decisions and Reviews).

**8. How to apply to join the Housing Register**

- 8.1 To apply to join the housing register applicants are required to complete a housing application form. This can be completed online and submitted at [www.hertschoicetohomes.org.uk](http://www.hertschoicetohomes.org.uk)
- 8.2 Once you have completed the form, you should submit it online. If you have difficulty filling in the forms please contact the Housing Options Team on 01727 819355
- 8.3 An application may include anyone that may reasonably be expected to live with the applicant as part of their household. **(See 8.8)**
- 8.4 You can only have one application for housing with St Albans either as a main/joint applicant or included as a member of the household in another application.
- 8.5 On receipt of the application form, the Council will aim to assess the application within 4 weeks of receiving the form and will request additional information and supporting evidence so that the applicant's eligibility, suitability and housing need can be confirmed. The Council will verify the information provided which may include inviting the applicant for an interview or home visit.
- 8.6 The Council's policy is to ask all applicants and people listed on the application form to provide independent documentary proof of the following when assessing their eligibility to join the housing waiting list. For each person on the application, including the applicant(s) the following documents are required:
- Proof of identity - Full birth certificate or passport
  - Where applicable passport and/or Home Office letter which shows residency status in the UK
  - Marriage certificate (where relevant)
  - Adoption/foster certificate confirming main residency of any children in your application.
  - Proof of address – e.g tenancy agreement/utility bill
  - Ownership/financial interest in all other properties either in the UK or abroad
  - Proof of income – e.g benefit letters/wage slips for all adults included in application
  - Proof of pregnancy (where appropriate)
  - Photos of all people on the application that are aged 16 and over
  - Any other documents requested
- 8.7 After assessment the Council will write to applicants confirming:
- Whether the applicant meets the qualifying criteria to register for housing.

- The Priority Band in which the application has been placed
- The date that the application was placed in the band i.e. the 'priority date'.
- Whether an applicant is registered as a homeseeker or a transfer
- Their unique reference number.
- How to have a decision reviewed.

The Council will ensure that advice and information is available free to everyone on how to apply for housing.

Applications not properly completed will be returned to the applicant. If the application is not accompanied by all the required supporting documents these will be requested in writing, they will need to be supplied within 14 days. If the requested documents are not received within 14 days the application will not be processed.

Applications will not be registered until all the documentary proof has been received. The registration date will be the date the fully completed form along with all the required documentary proof is received by the Council.

#### **8.9 Who can be considered as part of the Applicant(s) household?**

In most cases only someone who is living with the applicant(s) as part of their household on a permanent basis at the date of registration or children born after registration, can be included in the application.

We assess the size of property you require based on who is included on your application. You can include only members of your immediate family who normally live with you or other people who have an extenuating need to live with you.

#### **You can only include:**

- Yourself and your partner;
- Your children or your partner's children, if they are aged under 25 and have lived with you permanently,
- Your carer (care worker) who has been assessed by Social Care & Health as required to provide overnight care,
- Dependent children (under 18) joining the household, where it can be proved that the applicant is the sole legal guardian, will be considered as part of the household if they have lived as part of the family for a minimum of 12 months,
- Dependent adult relatives who have joined the household because they are unable to live independently may be considered as part of the household. This will generally be because of age, disability or for medical reasons. Such cases will need to be referred to the Council's Independent Medical Adviser and/or the Council's Housing Review Panel.

**Immediate family does not include you or your partner's**

- parents,
- grandparents,
- brothers,
- sisters,
- aunts,
- uncles,
- grandchildren,
- nieces,
- nephews,
- cousins,
- friends
- lodgers

**unless they have an extenuating need to live with you. Non dependant adults, whether related or unrelated, are generally expected to make their own housing application.**

If you have adult children, aged 25 or over, or children with their own family, living at home, they may apply to the Housing Register in their own right, but they may have more chance of success in moving to a property in the private sector.

If you are a transfer tenant living in the St Albans district (see 8.12 for definition) that is under occupying and looking to move to smaller accommodation, you may include children aged over 25 if they have always lived as part of your household.

**The following household applicants cannot be included in an application:**

- Friends, lodgers, sub-tenants and any other adults not listed above wishing to be included in order to share accommodation with the applicant
- Anyone who has moved into the current property and caused the household to be overcrowded
- Anyone who does not intend to move to any accommodation offered to the applicant(s) or does not intend to live with them permanently

Such people will be disregarded for the purpose of assessing any overcrowding priority and the size of property that the household requires.

## **8.9 Joint Applications**

For a joint application both of the applicants have to qualify for housing.



## **8.10 Civil Partnerships**

Civil partners will have equal treatment with married couples in the Allocations Policy, including:

- Parental responsibility
- Protection from domestic violence
- Immigration and nationality purposes

## **8.11 Date of Registration**

The registration date of an application form will be the date the housing application form is received fully completed with all the requested documents at the office of the Council. As forms are usually completed over the internet, the date that all relevant documentary proof is supplied will be the date of registration.

## **8.12 Homeseeker/Transfer applicants**

Applicants will be registered as a 'homeseeker' if they are an applicant on the Housing Register or are tenants of Housing Associations or Local Authorities outside of the St Albans District.

Applicants will be registered as a Transfer applicant if they hold a tenancy with St Albans Council or have a tenancy for a property within the St Albans District that is owned by a Registered Provider. Please note that applicants applying from intermediate rent, shared ownership, keyworker and London Strategic Housing properties will not be registered as transfer tenants.

### **Types of tenancies**

There have been some changes to the types of tenancy that can be issued. Below is a summary of the tenancies that might be offered.

### **Affordable Rent**

Affordable Rent tenancies are a new type of affordable housing intended to provide an alternative to, but not replace, social rent. At present this only applies to Registered Provider tenancies. A proportion of both new homes and existing properties available for re-let, will be let on the terms of the Affordable Rent tenancies. Existing tenants who are offered an Affordable Rent property should seek further information from the Registered Provider of the property to discuss the tenancy terms of the property. Properties let under the Affordable Rent Tenure will usually cost 80% of the open market rent. Applicants who are successful for an affordable rent property will usually be subject to financial checks to ensure that they are able to afford these properties.

### **Flexible/Fixed term/Assured shorthold Tenancies**

New Council/Registered Provider tenants may be given flexible tenancies/fixed term tenancies after the 1st of April 2012. Unlike old council tenancies, flexible tenancies cannot last indefinitely. Flexible tenancies will usually last for between 2 and 5 years, although most will be for 5 years, unless there is a good reason for the tenancy to be shorter. Assured shorthold tenancies can be for periods of six months or longer. Any tenancy offered will be in line with the landlord's Tenancy Strategy.

### 8.13 **Armed service personnel**

In accordance with the Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 additional priority will be awarded to eligible applicants who can demonstrate that they meet one of the following criteria.

- (i) Is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- (ii) Formerly served in the regular forces
- (iii) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the armed forces following the death of that person's spouse or civil partner and that person's death was attributable (wholly or partly) to that service, or
- (iv) Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

These relevant applicants that have an identified housing need under our Allocations Policy will be awarded additional priority to place the applicant in the next highest band above the band that their assessed circumstances would otherwise warrant (unless in the highest band). This award will be approved at Housing Options Co-Ordinator level or above.

#### **Right to Move**

The Council is committed to providing access to housing accommodation to existing social housing tenants seeking to transfer from another local authority district in England who:

- ☐ Meet a required priority category because of a need to move to the local authority's borough to avoid hardship **and**
- ☐ Need to move because the tenant works in the district, **or**
- ☐ Need to move to take up an offer of work.

The Council must be satisfied that the tenant needs, rather than wishes, to move for work related reasons (voluntary work is excluded, however apprenticeships are included). Items to be considered will include:

- ☐ The distance and/or time taken to travel between work and home;
- ☐ The availability and affordability of transport, taking into account level of income;

- ☐ The nature of the work and whether similar opportunities are available closer to home;
- ☐ Other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move;

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The length of the work contract (more than 12 months and 16 hours or more a week); and

- ☐ Whether failure to move would result in the loss of an opportunity to improve employment circumstances or prospects e.g. by taking up a better job, a promotion or an apprenticeship.

When a tenant has been offered a job and needs to move to take it up, they must be able to demonstrate a genuine intention to take up an offer of work. The Council will need to verify evidence that confirms the intention, which could include:

- ☐ A contract of employment;
- ☐ Wage/salary slips and/or bank statements (particularly relevant for zero hour contracts);
- ☐ Tax and benefit information; and
- ☐ Formal offer letter.

The Council may contact the employer to verify an application at the point of joining the Housing Register and also when considering an offer of a property.

The Council will also provide additional priority to applicants satisfying the above criteria (please see 'Right to Move priority' section 6.7).

## 8.14 Verification

Applicants must have their circumstances and housing conditions verified before they are offered an assured or introductory tenancy. Verification may include a home visit. All applicants will be required to supply the following documents.

- Proof of identity and residence for all persons included on the application
- Proof of eligibility. E.g Home Office letter or passport where applicable
- Proof of income or benefits
- Proof of any savings and/or investments
- Proof of entitlement to reside in the UK & eligibility for an offer of social housing.
- Proof that a local connection to the District still exists.
- Other proof as considered appropriate by the Council

For applicants who do not have any settled accommodation we will try to visit at the address/location provided on their application. We may also conduct an interview in the Council Offices.

If the applicant has successfully bid on a property, they will be contacted by telephone on their last known telephone number or e-mail

address. It is the responsibility of the applicant to ensure that their contact details are up to date. If the applicant cannot provide a phone number of their own they must provide an alternative contact number or e-mail address that is checked regularly. If they do not respond by the next working day, the Council reserves the right to move on to the next applicant on the short list.

If the requested verification documents are not submitted within two working days of the request, or the applicant is not available or refuses a home visit within two working days the applicant will not be offered the tenancy. The property will be offered to the next applicant on the shortlist. If there are any discrepancy between the information provided and the information we have regarding the application then we will make the application inactive whilst this is investigated.

Should the applicant no longer qualify for an offer or to be included on the Housing Register, they will be notified of the decision and the reasons in writing. The property will be offered to the applicant next on the shortlist. Applicants have the right to ask for a review of the decision. This request must be made in writing within 21 days of receipt of the original decision and must include reasons for requesting the review.

Verification may be carried out by the Council or the relevant Registered Provider.

#### **8.15 False statement and withholding information**

It is the responsibility of every applicant to provide necessary information and documents that will assist the Council in carrying out enquiries into the housing application.

It is an offence (under Section 171, Housing Act 1996), for an applicant to knowingly or recklessly provide the Council with information that is materially false or deliberately withhold or misrepresent their housing circumstances.

The Council will consider legal proceedings against the applicant and support any application by a landlord to gain possession of accommodation gained by providing false or withholding information that may have affected an applicant's priority on the Housing Register.

Please note that we do carry out verification checks on the information you provide with other agencies, housing providers, and credit agencies. e.g. Experian and any inconsistencies will result in an application being deferred whilst an investigation is carried out.

#### **8.16 Deliberately worsening circumstances**

If the Council is satisfied that an applicant has worsened their circumstances they will be assessed based on their circumstances before the situation changed. If they did not have an identified housing need prior to their change in circumstances then their application will be made inactive. This will be reviewed after a 12 month period. It may include the following:

- An applicant moving from accommodation that was available for their occupation that was suitable or more suitable for them than the accommodation they have moved into and which it was reasonable for them to continue to occupy.
- Homeowners who have transferred their property to another family member within the last 5 years from the date of application.
- Applicants who have disposed of or deprived themselves of assets which reasonably could have been used to secure housing within the last five years from the date of application.
- Applicants who have moved family members or others into a property unsuitable for their needs when suitable accommodation was being occupied by them elsewhere.

## **9. Assessment of Housing Need**

All applicants aged under 60 years of age must have an identified housing need and local connection to register for housing. This is due to the low supply of affordable housing and the unrealistic expectations raised by registering applicants that do not have an identified housing need. Applicants that do not have an identified housing need will be able to access housing advice from the Housing Options Team. Applicants will be placed in a housing needs band between A and D.

Single applicants or couples aged 60 and over with a local connection to the St Albans district but without a housing need will be placed in Band E. This band will be for those aged 60 and over without an identified housing need applying for sheltered and age restricted housing only.

All applicants will be placed in a housing needs band following an assessment of their household's needs. Documentary proof will be required and if not provided within the requested timescales, the application will not be processed. This is to ensure that the Council meets its legal obligations as set out in the Housing Act (1996) as amended by the Homelessness Act (2002).

The Council will work with the applicant, their advocates and our partner agencies to provide this advice and assistance.

Applicants registered for housing must be prepared to make bids within the Choice-based Letting Scheme and make appropriate choices in the context of the local social housing availability within the District and balance this against the urgency of their own situation.

## 9.1 Housing Needs Bands

Applicants will be placed in one of four priority housing needs bands. Applicants in band A will have the highest priority, applicants in Band D the lowest priority. If an applicant is applying for sheltered or age restricted accommodation they will be placed in to Bands A-E.

The assessment will be made in order to meet the requirements of the Housing Act (1996) as amended by the Homelessness Act (2002) and other government guidance; whilst making best use of the housing nominations being made available to the Council including nominations to a RSL or other housing provider. Properties will be offered to applicants based on the following priorities:

1. Property Eligibility – does the applicant meet the requirement for the property as outlined in the advert including bedroom entitlement.
2. Priority Banding
3. Priority date (when registration into the current priority band took place)

Adapted properties advertised will be matched with applicants who need that type of adapted property whenever possible.

There is a very severe shortage of Council and Registered Provider homes in St Albans District and all applicants are advised to consider other housing options.

For some properties a Local Letting Scheme will be in force and properties will be offered to applicants based on the priorities of that scheme.

The examples given below are given only as a guide.

Priority Band	Description of housing need
	Applicants will be placed in Band A in circumstances where the applicant's current property poses a significant risk to life or health, and immediate re-housing is required. Applicants in Band A will be offered time-limited bidding (usually 4 cycles unless otherwise stated) and/or a direct let.
<b>Band A</b>	<b>Over-riding Medical Need</b> Applicants with an over-riding medical priority awarded by the Local Authority in consultation with a Medical Advisor. The

	applicant's medical condition will be such that it is being so severely and adversely affected by their current housing situation as to warrant an emergency move.
	<b>Over-riding Social/Welfare Need</b> Applicants with an over-riding social/welfare priority. The applicant's social/welfare needs will be such that those needs are being so severely and adversely affected by the current housing situation as to warrant an emergency move. This priority may be agreed at the housing review panel or by at least two of the senior management team. (Head of Housing/ Tenancy Services and Performance Manager/Area Team Leader/Strategy and Enabling Manager/Principal Policy and Development Officer).
	<b>Imminent Danger</b> Applicants needing to move urgently where there is a serious imminent personal risk if they remain. This will be where there is a threat of death or injury. This will need to be supported with police evidence from a senior level. This priority may be agreed at the housing review panel or by at least two of the senior management team. (Head of Housing/Tenancy Services and Performance Manager/Area Team Leader/Strategic Housing Manager/ Principal Policy and Development Officer).
	<b>Transfer tenants moving from 3 bedrooms or larger to 1 bedroom accommodation.</b>
	<b>Applicant succeeding to a Tenancy</b> Where an applicant has succession rights to a tenancy after the death of a tenant, the applicant may be required to move to alternative housing in line with their assessed housing needs. In processing requests for succession to a tenancy the Council recognises civil partnerships as conveying legal rights and recognition of a relation for same sex couples. Time limited bidding of 3 months will apply after which an assisted bid leading to a direct offer will be made.
	<b>Releasing a property in need - Applicant releasing an adapted property</b> The property has major adaptations, and there is a current need for a property with that adaptation
Applicants placed in Band B are deemed to need re-housing urgently. Applicants in the following situations and circumstances will be placed in this band.	
<b>Band B</b>	<b>Applicants suffering from harassment</b> All cases of harassment will, in the first instance, be dealt with through our Anti-Social Behaviour Policy. Should the harassment reach a level where there is a recommendation from a senior officer of a relevant statutory or voluntary agency such as the police or Hertfordshire County Council's Children, Schools and Families Department, that a move is necessary, the applicant will be awarded Band B priority.  Where this priority refers to a transfer <b>(Council and Registered</b>



	<b>Provident tenants living in St Albans District)</b> this will be a property of a size that is appropriate for the applicants housing need.
	<b>Homeless households (Main homelessness duty owed)</b> A statutory duty is owed where the authority is satisfied that the applicant qualifies for assistance, falls within a specified priority need group, is unintentionally homeless, and has a local connection with the authority (except where fleeing violence or harassment). A direct offer will be made. This offer can be an offer of a privately rented property.  Please see Appendix Two for further explanation.
	<b>Urgent Medical Need</b> Applicants with an urgent medical priority awarded by the Local Authority Housing department in consultation with the Council's Medical Adviser. This includes cases where the applicants' medical condition will be such that adaptations are required at the current property but the need to carry out adaptations could be avoided or reduced by a move to more suitable accommodation..
	<b>Urgent Social/Welfare Need</b> The applicants social/welfare needs will be such that, should the applicant be moved to a more appropriate property, this will be improved by alternative accommodation. For example a disabled child that needs to attend a <b>specialist</b> school. This will be approved by 2 members of the Senior Management team or one member of the Senior Management team and one Housing Options Co-Ordinator.
	<b>Referrals</b> Applicants referred to St Albans District Council under arrangements with certain referral agencies, or those made through the Housing Forum. See Appendix One for details of these. These applicants will be made one offer of accommodation and will not be able to place bids themselves through the Herts Choice Homes scheme once they have been approved for move on.
	<b>Transfer tenants that are under occupying and moving to accommodation larger than a 1 bedroom property in line with their need. E.g 3 bedroom/4 bedroom to 2 bedrooms.</b> <b>Transfer tenants moving from 2 bedrooms to 1 bedrooms.</b>
	Ex-armed service personnel (see section 8.13 for more detail about who can qualify under this criteria) who are homeless and unable to resolve their own housing need and where there is an urgent need for rehousing to avoid hardship
	<b>Applicants with composite housing needs from Band C</b> This band also recognises applicants with a composite housing need. To qualify to move to Band B, an applicant should be assessed as having a high medical need or have two or more bedrooms lacking <u>plus at least one other factor from the list under</u>

	<u>Band C.</u>
Applicants placed in Band C are deemed to have a high need to move. Applicants in the following situations and circumstances will be placed in this band.	
<b>Band C</b>	<p><b>High Medical Need</b> Applicants with a high medical priority awarded by the Local Authority in consultation with the Council's Medical Adviser. The applicant's current accommodation will be deemed as not appropriate for their medical needs.</p>
	<p><b>High Social/Welfare Need</b> Applicants with a high social/welfare priority awarded by the Local Authority. The applicants' current accommodation will be deemed as not appropriate for their social/welfare needs. For example a disabled child who needs a garden for therapy. Priority awarded by at least one member of the Senior Management Team.</p>
	<p><b>Applicant releasing an adapted property</b> An applicant releasing an adapted property (major adaptations) where there is not a current need for a property with that adaptation.</p>
	<b>Applicant is assessed as lacking two or more bedrooms</b>
	<p><b>Retiring or Redundant Council Staff in Tied Accommodation (Service Occupiers)</b> A service occupier is someone occupying tied accommodation as a condition of their employment with the Council for the better performance of their duties. Service occupiers may be re-housed in suitable alternative accommodation (not like for like) in accordance with the conditions of their terms of employment. They will be able to bid 6 months prior to their retirement The service occupier will only qualify for re-housing by the Council only if:</p> <ul style="list-style-type: none"> <li>• they meet stated requirements in their contract of employment</li> <li>• they meet the eligibility criteria to appear on the housing list including immigration status and unacceptable behaviour criteria</li> </ul> <p>do not own another property elsewhere and do not have income or assets that would enable them to meet their own housing needs in the private sector</p>
	<p><b>Applicants releasing a one bedroom general needs property (only Council or Registered Providertenants living in St Albans District)</b> An applicant releasing a one bed general needs property will be placed in Band C if they require sheltered accommodation or elderly designated accommodation only.</p>

	<p><b>Applicants with composite housing needs from Band D</b></p> <p>This band also recognises applicants with a composite housing need. To qualify to move to Band C an applicant should be assessed as having either medium medical need or lacking one bedroom <u>plus at least one other factor from the list under Band D.</u></p>
Applicants placed in Band D are deemed to have a recognised need to move. Applicants in the following situations and circumstances will be placed in this band.	
<b>Band D</b>	<p><b>Recognised Medical Need</b></p> <p>Applicants with a recognised medical priority awarded by the Local Authority in consultation with a Medical Adviser. For example a person reliant upon walking aids who lives in an area with no public transport.</p>
	<p><b>Recognised Social/Welfare Need</b></p> <p>Applicants with a recognised level of social or welfare need as assessed by the Local Authority.</p>
	<p><b>Financial Hardship</b></p> <p>Applicants will be awarded Band D priority where the Local Authority deems a move would help address exceptional financial hardship. Where an applicant feels they will qualify for Band D priority due to exceptional financial hardship, they should approach the Local Authority for further guidance. In order to assess this, applicants will need to complete a financial disclosure form.</p>
	<p><b>Reasonable Preference</b></p> <p>This category includes other homeless applicants who are not owed a full duty under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002. Please see Appendix Three for further details</p>
	<p><b>Unsatisfactory Conditions</b></p> <p>Applicants will be awarded Band D priority where it is determined by the Local Authority that they are living in unsatisfactory conditions. This will have to be assessed by the Local Authority Housing Department. Examples could include caravans or trailers or sharing facilities with non family members.</p> <p>Applicants with children in insecure accommodation e.g with family or friends and lacking or sharing facilities where the applicant has no tenancy agreement or licence</p>
	<p><b>Applicants lacking one bedroom</b></p> <p>This includes applicants that apply from 1 bedroom accommodation with a child under 2.</p>
	<p><b>Armed service personnel or ex armed service personnel with a local connection as detailed in section 8.13</b></p>
Applicants placed in Band E are not deemed to have an identified need to move. Applicants in the following situations and circumstances will be placed in this band.	

<b>Band E</b>	Applicants aged 60 and over with a local connection but without an identified need that are applying for sheltered or age restricted housing (60 years and over).
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## 9.2 Time limited bidding

All priority Band A (Emergency Need) cases and some categories of priority Band B (does not apply to under occupying social housing tenants living in the St Albans District area) will be subject to time-limited bidding and/or direct lets. Applicants offered time limited bids will normally be able to bid in **4 consecutive cycles**. This acknowledges the urgency of the situation, both for the applicant and for the Council. All cases will be monitored closely throughout this period. After 4 cycles each case will be reviewed on its own merits, and a decision will be made as to whether:

- The applicant should lose their emergency status if the circumstances under which they were placed in band no longer apply and they should be re-assessed and placed in a lower band
- The Council should allow the applicant to remain in the band until a further review
- The Council should make one direct offer of accommodation before re-assessing the applicant and placing in a lower priority band.

During the initial period applicants will be expect to bid for any suitable advertised properties. The Council will monitor this and if applicants do not make bids on properties the Council considers suitable, the Council will make bids on the applicants' behalf during the initial period if the applicant has not made 3 bids in that cycle. If applicants require help with bidding they should request supported bidding by contacting the Housing Options Co-ordinator (Choice Based Letting & Temporary Accommodation).

Applicants must consider different property types (houses or flats) from those they currently occupy. This means that applicants will sometimes need to compromise on their ideal choice of housing in order to achieve the urgent move they need. It will not always be possible to meet all their aspirations within the time available.

In conducting the review the Council will take into consideration the questions posed below.

- Have there been any properties advertised that would have met the applicant's need?
- If so, have they bid for them?
- Why have they been unsuccessful?
- Do they have a specific need for a property that has not been available and no other property will resolve their housing need? For example, do they have a disability and need a ground floor property in a specific area so they can get family support?

- Have they received appropriate support and help in accessing the choice-based letting scheme?
- Have the applicant's circumstances remained the same?
- Is the applicant holding out for something that is unlikely to become available in a reasonable timescale, even though their need could be resolved by a more readily available property?

If the Council decides not to extend the period for bidding, the Council will make a final offer by making a bid on behalf of the applicant and, if successful, offer the property to them. If the applicant refuses this offer they will be moved to a lower priority band. (The Council can discharge its housing duty to homeless applicants if they do not accept their final offer)

### **9.3 Accepted Homeless Households**

Where the Council accepts a duty to rehouse a homeless household they will be made a direct offer of accommodation. This means that once an applicant has had their case approved they will no longer be able to place bids through the Choice Based Lettings system. One offer of accommodation will be made to the applicant which may be a direct offer or the result of an assisted bid placed on their behalf. If an applicant is unhappy with the offer then they have the right to request a review. See section 27.

Applicants will generally be offered in order of their priority date within Band and bedroom requirements. However there may be exceptions to this depending on the requirements of the applicant and the suitability of accommodation. For example in cases where applicants are in Bed and Breakfast and it's approaching 6 weeks or where we have identified that we require a particular unit of temporary accommodation to be vacated.

Please note that if you are a household with one child under 2 then your offer may be to a 1 bedroom property or a 2 bedroom property.

Accepted homeless households may also be offered a property in the private rented sector. These tenancies will be for a minimum for 12 months.

## **10. How the Council allocates Accommodation**

The Council allocates accommodation via choice based lettings- Herts Choice Homes. Applicants' housing priority will be assessed and applicants will be placed in a priority band A – D (unless aged 60 & over applying for properties that are sheltered or restricted for those aged 60 and over – these applicants will be placed in Bands A-E). Within the priority bands, the length of time an applicant has been waiting will be the deciding factor in determining who is re-housed

unless a local lettings policy applies when the priority will be determined by the local lettings policy.

We advertise available properties, inviting applicants to bid for them. By “bid” we simply mean apply for the property.

A proportion of properties will be prioritised for transfer applicants. This in turn creates vacancies which are advertised through Herts Choice Homes.

Up to 50% of 3 bed properties will be prioritised for transfer applicants (see 8.12) and 50% of those prioritised for transfers will be advertised for transfer applicants (see 8.12) in Band D.

Up to 25% of 2 bedroom properties will be prioritised for transfer applicants (see 8.12).

The Council will also prioritise up to 20% of 2 bedroom properties for applicants that are in Bands C and D. This offers applicants in these reasonable preference groups the opportunity to secure accommodation.

Up to 10% of properties will be prioritised for applicants who are in employment. Applicants will need to demonstrate that they are employed and have been employed for a minimum of 12 months in the district working 16 hours or more a week.

Additionally some of the properties may be advertised for a particular group of applicants. The properties will be advertised indicating this. This will be done in order to achieve best use of the housing stock or to comply with planning conditions. Examples include properties where there are disabled adaptations, larger 3 bedroom, 2 living room properties, supported housing schemes, sheltered housing, elderly designated properties and properties where a local lettings policy applies. This list is not exhaustive.

Where the property advertised is a Registered Provider property any offer will be subject to the applicant meeting the Allocations Policy of the Registered Provider.

#### 10.1 **Bid Types**

The majority of bids will be made by the applicant. However in certain circumstances the following may apply:

**Assisted bidding** – This may apply to applicants in band A or B. Assisted bidding is where the Council (or RSL partner) will bid on behalf of the applicant. For homeless cases this will count as a final offer and for succession cases this will count as a formal offer.

**Approved bidding** – This will apply for sensitive cases. The applicant may still bid themselves but the Council will need to approve the bid as suitable.

**Supported bidding** – This is where an applicant may be vulnerable and no third party has been identified to assist them. The Council (or RSL partner) will take responsibility in assisting the applicant to place bids.

If you wish us to discuss your application with third parties we will need your signed agreement in order for us to disclose or accept information from your advocate.

## 10.2 **Direct Lets**

Direct Lets may apply in the following circumstances:

- Extra care or flexi care properties
- If a property is needed to house someone in council property temporarily
- In some cases where someone has to be moved immediately
- In the case of a specially adapted property which is particularly suitable for a particular applicant or where a property has been identified as being suitable for an extension or adaption.
- Decants (where the Council needs tenants to move)
- If there is no alternative temporary accommodation available and the Council would be breaching their duty
- Allocations to ground floor sheltered and elderly designated accommodation given to current tenants, living on an upper floor, within the same block, who have a medical/mobility need for ground floor accommodation
- Accepted homeless households
- Applicants over 60 who fall into a priority need category under Homeless legislation may be made a direct offer into one of our sheltered schemes as part of our Homelessness Prevention initiative.

**Direct Lets will not always be part of the choice based lettings scheme**

## 10.3 **Applicants subject to Multi-Agency Public Protection Arrangements**

Housing applications received from the Multi Agency Public Protection Panel will be considered by the Housing Review Panel and, if successful, will be subject to approved bidding as detailed above.



#### **10.4 Applicants who require an adapted property or other special requirement**

Where an applicant has been assessed by the Council's independent Medical Adviser as requiring a specific size, type or adapted property, they will be placed in the appropriate priority band. In some cases the applicant may be offered a direct let. Where the Council has identified a shortage of suitable properties for applicants with special requirements on the housing register, the Council will consider creating a 'chain move'. This is where the Council matches the applicant with a special requirement need, with a Registered Social Landlord (RSL) who has identified an applicant with an adapted property who has applied for a transfer. This is different from a Mutual Exchange whereby all applicants have a property to offer in the exchange.

Occasionally a property will be substantially adapted to make it suitable for applicants with a disability. In these cases priority will be given to bidders with an identified need for this type of property, providing that they are in Bands A – C. Some ground floor properties will be advertised with a preference for applicants within Bands A-C who require this on medical grounds.

#### **10.5 Local Lettings Policy**

The Council, in partnership with Registered Social Landlords, may produce a local letting plan. These plans will outline any specific local letting initiatives for the neighbourhood taking into account supply and demand and other management factors. Rural exception sites will be subject to permanent local lettings policies. Other local letting plans are normally short term measures put in place to address specific local issues. These can include dealing with community sustainable issues such as:

- increasing the number of people in employment
- training, or,
- reducing child density and anti-social behaviour on estates

Local lettings plans may therefore override the 'rules of choice and the Council's normal letting policy' in specific neighbourhoods, in villages or on local housing estates and over specific periods of time. Examples include properties that may have criteria based on age or household composition to address specific local issues or may override occupancy level agreements and demand issues to address local management or supply.

Local letting plans will be by definition dynamic documents monitored against and developed in line with changing situations and demands.

Copies of local letting plans will be available from the Council and the RSL.

The Council in these circumstances will ensure that their local lettings policies do not discriminate, directly or indirectly, on racial or other equality grounds.

#### 10.6 **Cross-Boundary** Sub-Regional Choice Based Lettings. (Cross Partner Pool)

Some properties may be placed into the Cross Partner Pool. Anyone registered on one of the five authorities housing register within Herts Choice Homes are apply to apply for these properties. Placing properties into the Cross Partner Pool is at the discretion of the landlord and examples may be sheltered accommodation or properties that are significantly adapted.

When allocating (or matching) a property through the Cross partner pool we will take into account the following factors:

1. Property Eligibility of the authority advertising the property. (i.e. applicants' ages, household size and composition in relation to the size and type of property being allocated and the authority's own policy).
2. Priority Band on the Housing Needs Register. (A-E)
3. Priority date. Where more than one applicant meets the preceding criteria, the applicant with the earliest applicable date will be made the offer of accommodation.
4. Where two applicants have met the preceding criteria and have the same applicable date, the property will be offered to the applicant for whom the Council considers the property is most suitable, taking all other factors into consideration, particularly making the best use of the vacancy.

#### 10.7 **Move on and Leaving Care**

The Council will have some agreements with organisations that provide specialist housing. These organisations deal in particularly with vulnerable homeless applicants or young people leaving care who may require move on accommodation usually for single applicants. The Council will try to house an agreed number of applicants nominated from these organisations each year. Applicants will need a local connection.

#### 10.8 **Management Priority**

There are occasions when the Council must house applicants outside our normal procedure. When requested, supporting evidence from other agencies such as police, Adult Social Care or Children Schools and Families and other groups is essential to achieve a management decision. Evidence of this nature needs to be countersigned by a Senior Manager.

Management Priority moves will be dealt with on a case by case basis. Cases that will be considered for management priority decisions include:

- Decants (where the Council needs tenants to move)
- Nominations received from the National Witness Mobility Scheme
- Households who need to move for emergency reasons not covered in the bands.
- Cases referred through Multi-Agency Public Protection (MAPP).

In view of the urgency involved with Management priority offers, one reasonable direct offer of suitable accommodation may be made by the Council.

## 10.9 Bedroom Eligibility

The table below indicates the size and number of bedrooms that an applicant can bid for.

When calculating bedroom entitlement the following rules will apply.

2 children of the same sex are entitled to one bedroom regardless of their ages.

2 children of opposite sexes are entitled to one bedroom until one reaches the age of 10.

**Current Table of Bedroom Eligibility**

Household Size	
Single Applicant	Bedsit-Studio or One Bedroom
Single Applicant with staying access to 1 child	Bedsit –Studio or One bedroom
Single Applicant with staying access to 2 children	One bedroom

Couple without children	One bedroom
Parent/s with one child under 2	One bedroom or Two bedrooms
Parent/s with one child aged 2 or above.  Parent/s with 2 children under 2	Two bedrooms
Parent/s with 2 children of the same sex.  Parents with two children of opposite sexes where both are under 10 years.	Two bedrooms
Parent/s with 3 children	Three bedrooms
Parent/s with 2 children of opposite sexes where one is over the age of 10.	Three bedrooms
Parent/s with 4 children  Parent/s with 4 children depending on age and sex (2 same sex sharing / opposite sexes sharing up to 10 years.)	Three or four bedrooms using the eligibility rules outlined above.
Parent/s with more than 4 children	Four bedrooms or larger three bedrooms with dining room and lounge.

All properties that are advertised through the CBL scheme will be clearly labeled to identify the size of property that an applicant can bid for.

### **Unborn Child**

An unborn child does not count as part of an applicant's household.

### **Exception to our Bedroom Eligibility**

Due to the acute shortage of 4 bedroom properties, applicants registered for 4 bedroom properties or larger will also need to bid for large 3 bedroom properties, which will be identified.

#### 10.10 **Proof of Access to Children**

The Council will check to make sure that access does take place and will need to see proof. Such proof could include a letter from the separated (other) parent. This is not normally considered enough on its own, as the proof should be independent, therefore the Council will seek further supporting evidence such as a Solicitor's letter or Court papers as it deems appropriate or make appropriate enquiries.

Where an applicant has staying contact with children for less than 50% of the time, the children will not be counted as part of the applicant's household when assessing bedroom requirements.

Where two applicants have equal staying contact with children, evidence as to the child's main and principal home is required when assessing bedroom requirements.

#### 10.11 **Medical Need for an extra bedroom or alternative accommodation**

If the applicant feels that there is a medical need for an extra bedroom, or alternative suitable accommodation, this will be considered by the Council. The Council will seek supporting evidence from the applicant that there is a need for an extra bedroom or alternative accommodation. The applicant will be required to complete a self-assessment medical form. The Council may refer this information to a Medical Adviser and in these cases they will assess these forms and these recommendations will be considered by the Council. **The final decision will be made by the Council taking into account all information available to them.** who will make the final decision. This may over-ride the usual rules about bedroom eligibility.

#### 10.12 **Extra room for Carers (care workers)**

It will be expected that Adult Social care or Child care services should provide supporting evidence that a 'live in' carer is needed, and that if the support was not given voluntarily or paid for by the client they would qualify for funding for a 'live in' carer.

Only one extra bedroom for a carer will be considered. Extra rooms for a carer's dependants cannot be considered.

### 11. **Choosing where you want to live**

Most properties which become empty will be advertised on a weekly basis on [www.hertschoicehomes.org.uk](http://www.hertschoicehomes.org.uk). If you have a recognised housing need and do not have access to a computer you can request a freesheet which will be sent to you.

### 11.1 How to Bid

Applicants can bid for any property that is of the appropriate size in accordance with their assessed need. Bidding is simple, it can be done either by:

- Telephoning the bidding line on 0870 998 2290
- Accessing the website [www.hertschoicehomes.org.uk](http://www.hertschoicehomes.org.uk) or via our website [www.stalbans.gov.uk](http://www.stalbans.gov.uk)
- Bidding via text message

New properties are advertised every week with a closing date for bids clearly shown. Applicants will be allowed to bid for 3 properties per cycle. Bids must be submitted before the closing date.

Each available property will have a short description that will include the number of bedrooms, floor level, rent, location of the property and information about facilities in the property and its neighborhood. Applicants must make sure they meet the criteria noted on the advert otherwise they will not be considered for the property and it will be a wasted bid.

The Council cannot guarantee precisely when an applicant will be successful in their bid, as this will depend on the type and location of the property they bid for, whether they have reasonable or additional preference and the number of applicants bidding for the property.

For those applicants seeking a move who are housebound, options such as directly mailing a freesheet or working with statutory and voluntary agency partners to provide personal customer support will be explored.

### 11.2 Viewings

After bidding closes, the Council may short list between one and five applicants to view a property. This will depend on the demand for the property. Applicants will be contacted by telephone to inform them of the location of the property and the time for viewing.

Applicants are reminded that they must provide up to date contact details. If we are unable to contact a successful applicant within two working days then the property will be offered to the next applicant on the shortlist. Applicants must also make themselves available for viewing within 24 hours otherwise the property will be offered to the next person on the shortlist.

The purpose of viewing the property is to see the internal and external features of the property and seek any further clarification from the landlord regarding the property. The top ranked applicant that has

been shortlisted for a property will have their application deferred temporarily whilst they are under offer. This will mean that any other bids placed will not be considered whilst they are under offer.

In some cases such as applicants transferring from one property to another, applicants may end up viewing a property with the current tenant in situ. All tenants will be notified of this before a viewing is conducted in their home.

The applicant at the top of the shortlist will normally be given 24 hours after viewing a property and receiving a verbal offer of a tenancy, to accept or refuse the offer. If the offer is refused the person next on the shortlist will be offered the property.

Some applicants may require longer than others to make a decision about a property depending on their circumstances:

- They may wish to take advice in making their decision particularly in the case of vulnerable applicants
- They may be unfamiliar with the property
- They may be in hospital

In these circumstances the landlord will agree a time with the applicant.

In exceptional circumstances the Council's Head of Housing may approve a decision not to offer a property to the applicant at the top of a short list if in doing so the offer could put a vulnerable applicant at risk of any harm. Any such decisions will be given to the applicant in writing.

### **11.3 Accepting Offers**

Once the applicant has confirmed that they want to accept the offer of the tenancy, the Landlord of the property will give the applicant a formal offer of the tenancy. During the period after acceptance of an offer and before tenancy sign up, the CBL system will not allow the applicant to be considered for other properties.

The landlord of the property will normally start the tenancy sign-up on the Monday following viewing if the property is available. In some cases there may be a delay between acceptance of an offer and commencement of tenancy e.g. new properties awaiting final handover, properties undergoing maintenance for example

In cases where the new tenant is vulnerable, such as being an elderly person with no support or someone with learning difficulties, the Landlord may use discretion to allow a longer period before the tenancy start date.



#### **11.4 Withdrawal of Offers**

In the following very exceptional circumstances, the landlord may withdraw an offer of accommodation:

- Where there has been a change in the applicant's circumstances
- Following verification, the applicant does not qualify for the property
- Where an error has been made in the advertising criteria
- Where an offer of accommodation could put a vulnerable applicant at risk of any harm
- Where the applicant does not meet a specific Letting Policy of the landlord

This list is not exhaustive.

#### **11.5 Refusing an Offer of Accommodation**

If an applicant refuses an offer of accommodation made, they will remain in their housing needs band. If an applicant refuses three offers of a property made through CBL, the Council will contact the applicant to verify their circumstances and may make their application inactive whilst enquiries are made.

### **12. Financial Assessment**

All applicants will be asked about their financial circumstances as part of the verification process. We will use Credit checking agencies to verify details and as part of our policy to prevent/detect fraud/share information with other departments within the Council and other Housing Providers. By signing the Housing Register form you will be giving your consent for this. If an applicant's financial situation is such that they are deemed to have sufficient financial resources to resolve their own housing need they will be excluded from the waiting list.

An applicant who has sufficient resources to resolve their own housing need, either through renting or buying a suitable property, (whether on the open market or through one of the low-cost home ownership schemes) or by any other means, will normally not be allowed onto the housing register. In making this decision we will take into account any equity outstanding from the sale of a property, income, investment income and current property value (for home owners). This list is not exhaustive but gives an indication of what will be taken into account in the financial assessment. Applicants can request a review of this decision. Please note that we will disregard any sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service.

You can contact the Council for our current financial thresholds.

If you apply to the Housing Register and you own or part own a property then your application will not be accepted onto the housing register unless there are very exceptional circumstances. The decision to allow a property owner onto the Housing Register will be made at Housing Options Co-Ordinator level or above.

### **13. Medical Grounds**

Where an applicant or member of their household has a medical condition or disability that is affected by their housing circumstances, they will be asked to complete a medical self-assessment form. Applicants need to state how their medical condition will be improved or alleviated by a move to alternative accommodation. This will usually be considered along with any other medical reports or occupational therapy reports and may be referred to the Council's medical advisor. If requested the Medical Adviser will advise on the relative medical priority of the household and any other re-housing needs, such as a need for ground floor accommodation for consideration by the Council. The Medical Adviser's recommendation will be considered by the Council and the Council will make the final decision as to whether or not medical priority will be awarded. Some applicants may be considered for bungalows if it is considered that this type of property is suitable for them even if they do not meet the age criteria. See section on Bungalows.

Applicants can request a review of their medical priority; this must be put in writing within 21 days of notification of the decision. Whilst the Council may seek the opinion of a medical expert in determining whether priority will be awarded, the final decision rests with the Strategy and Enabling Manager or Principal Policy and Development Officer.

**Where an applicant requests priority based on a medical condition, this will only be taken into account where the medical condition is being made worse by the particular accommodation that the applicant resides in or would be improved by a move to more suitable accommodation.**

**The Council may make recommendations for a particular property type. E.g ground floor. Applicants must make appropriate bids (or request assisted bidding). Bids for properties that do not meet the recommendations made by the panel will not be considered.**

If an applicant continues to bid on unsuitable properties, the Housing Options Team will discuss their bidding with them. They may decide to withdraw the applicant's web access and bid on their behalf for a suitable property.

#### **14. Support/care needs**

It is essential to assess any support and care needs for applicants with approved medical priority. The Council may liaise with Adult Social care, Children Schools and Families, the Supporting People team and other relevant agencies, as necessary, to ensure the allocation of appropriate accommodation.

The Council will also consider whether the applicant or member of their household needs would be better served by the applicant remaining in their current accommodation and, if appropriate, an application for aids and adaptations can be made.

#### **15. Sheltered Housing and age restricted properties**

For sheltered accommodation usually only applicants aged 60 years of age and over will be considered, but applicants with physical/learning disabilities who are suitable for and would benefit from sheltered accommodation will also be considered.

Where joint applicants apply for Sheltered Housing or age restricted accommodation for the Over 60's, the main applicant must be over 60 and the joint applicant must be over 50.

Sheltered housing will only be available to householders who require the level of support offered in this type of accommodation. Applicants for sheltered housing will be subject to an assessment by the Council to establish the prospective applicants' support needs and suitability for living in their chosen Sheltered Housing Schemes.

Priority for allocations to ground floor sheltered and elderly designated accommodation will be given to current tenants on the transfer list, living on an upper floor, within the same block, who have a medical/mobility need for ground floor accommodation. This will be done via a direct let. Allocations thereafter will be allocated based on individual need. This will then free up a property for an applicant via CBL.

Some properties are restricted for older applicants. The age restriction will be in the advert. Some properties above the ground floor that are age restricted may have a local lettings policy. This is outlined at Appendix 5.

If the assessment indicates that the applicant requires a higher level of support than can be provided by sheltered housing, the applicant will be advised of this and referred to Adult Care Services and where appropriate, considered for extra care or flexi care schemes.

## **16. Bungalows**

Bungalows are primarily for applicants who are aged 60 years and over or for social housing tenants living in the St Albans District who are aged 50 years and over and are currently under occupying a Council or Registered Provider home in the St Albans District.

However some applicants (Bands A-C) below the ages listed above, who have a medical priority will be considered for bungalows. This will usually be where they are significantly adapted for wheelchair use and where the need cannot be met in a ground floor flat. All applicants not meeting the age restriction will need to be approved by the Council to bid on bungalows.

## **17. Under Occupiers**

In order to make the best use of our Council stock we will place social housing tenants living in the St Albans district that are under occupying 3 and 4 bedroom accommodation and looking to move into 1 bedroom accommodation into Band A. All other social tenant under occupiers living in the district will be placed in Band B. St Albans council tenants who under occupy and who move to one bedroom accommodation from two bedrooms or larger will be entitled to a moving grant of £1250. Also we will organise and pay for their removals. Under occupiers who are aged 50 and over are able to bid for bungalows. This is to encourage under occupiers to free up family sized accommodation.

## **18. Social and Welfare Needs**

Priority may be awarded under social and welfare grounds where there is an identified housing need not addressed in the banding assessment criteria.

This would include, for example, an applicant who needs to move to a different locality of the District in order to give or receive care or to access specialised medical treatment. The term “welfare” is intended to encompass not only care or support needs, but also other social needs which do not require ongoing care and support, such as the need to provide a secure base from which a care leaver or other vulnerable person can build a stable life.

Housing may consult with Adult Social Care or Children Schools and Families before a decision on priority is made by the Housing team.

## **19. Allocations to Staff, Council Members and Families.**

Members of staff, their close family and elected members who require housing through the Council may apply for housing in the same way as

other applicants. Their status should be disclosed on the application form at the time of applying. **Failure to disclose this may result in an application being deferred while investigations are undertaken.**

If an applicant who is a member of staff, elected member or a member of their direct family, makes a successful bid for a property, the Head of Housing or a member of the senior management team (area Team leader etc) if they are absent, will be informed and must approve the shortlist letting prior to the formal offer being made.

## **20. Priority Date**

The 'priority date' is the date that an applicant was placed into their priority band. For some applicants their priority date will be the original date of application. If there are any significant changes in the circumstances of an applicant that may require changes in their priority or bedroom requirements, their priority date will change. However for homeless applicants, the priority date will be the date the Council accepts statutory duty to re-house the applicant.

Where two applicants are placed first and second on the shortlist for a particular property, are in the same priority band and have the same priority date, the property will be offered to the applicant for whom the Housing Options Co-ordinator (CBL and TA) considers the property most suitable.

Any property belonging to Registered Social Landlords (RSL) may hold additional criteria. For details you should refer to the policy of the specific RSL.

## **21. Change of Circumstances**

All applicants must inform the Council of any change in the information provided on their application form. Changes in circumstances may mean the application will need to be reassessed. Examples of change of circumstances are detailed below, although this list is not exhaustive:

- Household members joining or leaving the household
- Pregnancy/birth of a child
- Relationship breakdown
- Change to the medical circumstances of anyone included in the application
- Death of a joint applicant
- Change of address or contact number
- Change in medical condition

Please note that if an applicant comes up for an offer and their circumstances have changed and we have not been notified then the offer will be withdrawn and their application may be made inactive whilst their circumstances are re-assessed.

## **22. Tenancy Management outside the scope of CBL**

The following tenancy management areas fall outside of Part 6 of the Housing Act 1996 and will be managed by Registered Social Landlords:

- Mutual exchanges
  - Persons transferring from introductory to secure tenancy in the same property
  - Where a secure tenancy is assigned by way of succession to the same property
  - Where a secure tenancy is assigned to someone who would be qualified to succeed to that tenancy if the secure tenant died immediately before the assignment
  - Transfers that a landlord initiates for management purposes
  - In the cases of joint tenants where there is a relationship breakdown and a decision is taken to create a new tenancy for one tenant.
  - Where court orders are made under one of the following:
    - Section 24 of the Matrimonial Causes Act 1973
    - Section 17 (1) of the Matrimonial and Family Proceedings Act 1984
- Paragraph 1 of schedule 1 to the Children Act 1989

## **23. Information**

An applicant has the right to:

1. Request general information that will enable the applicant to assess how their application is likely to be treated under the scheme and whether accommodation appropriate to their needs is likely to be made available.
2. Be notified in writing of any decision about whether the applicant is suitable to be a tenant of the Council.

## **24. Translation**

We can arrange a translation service for people who visit the Council Offices. If you need this service, please contact our Housing Options Team on 01727 819355.

## **25. Data Protection**

When an applicant applies for housing, the Council will seek only information that they require to assess the applicant's housing need. They will collect and keep data in accordance with the Council's guidelines on handling personal data. However, the Council may share this information with other landlords who may be able to meet the applicants housing needs.

As the Council is allocating properties through the Herts Choice Homes scheme information on your application may be shared with other Herts Choice Homes partners (Local Authorities or Registered Social Landlords)

These guidelines are in accordance with the Data Protection Act 1998 that covers both electronic and manual records, and the Act governs everything we do with the data, including collecting, storing, using and disposing of it.

## **26. Confidentiality**

Information about the applicant shall not be divulged (without consent) to any other member of the public. This applies apart from:

- Where the individual who is the subject of the confidential information has consented to the disclosure
- Where the Council is required by law to make such disclosures
- Where disclosure is made in accordance with an information sharing protocol.

## **27. Decisions and Reviews**

Decisions under the Allocation Scheme may be taken by officers of the Council who have been given appropriate delegated authority by the Head of Housing. Any discretion shown in the Allocation Scheme as belonging to the Head of Housing may also be exercised by officers of the Council with appropriate delegated authority.

Members of the Council (also known as Councillors) do not make decisions on individual applications under the Allocation Scheme, whether or not they fall into a category prevented by regulation from doing so.

The Council will conduct allocation reviews in accordance with any regulations issued by the Secretary of State. Currently, these require that the review be carried out by an officer not involved in the original decision and who is senior to the officer who made the original



decision.

Requests for a review should be made in writing to the Housing Options Co-ordinator within 21 days of the date of the decision.

**You can request a review of the following decisions:**

- That the applicant does not meet the qualifying criteria to join the Housing Register
- That the application is made non-active
- That an application has been removed from the Housing Register other than by request.
- The banding assessment

Applicants must request a review in writing within 21 days of receiving the decision. The Council has discretion to extend the time limit if it considers this would be reasonable. An applicant may provide any additional information that they think the Council should take into account when reviewing its decision.

A manager senior to the officer that made the decision and who was not involved in the original decision will carry out the review. The manager will notify the applicant of the decision and the reasons for it within 56 days, unless a longer period is agreed with the applicant.

An applicant will only be entitled to one officer review. If an applicant is still unhappy following the review of a decision, they can request a review of the decision by the Housing Review Panel. The applicant cannot attend but can be represented by a Councillor.

If the Council upholds the decision that the applicant does not meet the qualifying criteria, any further application will be a new application.

An applicant may also request a review of

- The suitability of accommodation which is a final offer discharging the Council's homelessness duty.

In this case, the review will be considered at Housing Review Panel. The manager will notify the applicant of the decision and the reasons for it within 56 days unless a longer period is agreed with the applicant.

Please note for reviews of medical decisions please see point 13.

**Elected Members Involvement**

The Allocations of Housing (Procedure) Regulations 1997 (SI 1997 No. 483) restricts a housing authority's elected members involvement in allocations decisions in certain specified circumstances. They prevent

an elected member from being part of a decision-making body (i.e. the housing authority or any sub-committee) at the time the allocation decision is made, when either;

- the unit of housing accommodation concerned is situated in their electoral ward; or
- the person subject to the decision has their sole or main residence in the members electoral ward

Information on cases referred to the Housing Review Panel are sent to the Housing Portfolio holder after each meeting.

The applicant will be informed in writing of the decision made on review, and the reasons for it.

Reviews for decisions made under Part 7 of the Housing Act 1996 (Homelessness) are outside the scope of this scheme.

## **28. The Local Government Ombudsman**

The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies. They can be asked to investigate complaints about most council matters including housing.

If a complainant is not satisfied with the action the Council takes, the applicant can send a written complaint to the ombudsman. A complainant must give the Council an opportunity to deal with a complaint first, using its internal complaints procedure.

The Local Government Ombudsman can be contacted at:

Local Government Ombudsman  
10<sup>th</sup> floor Millbank Tower  
Millbank  
London  
SW1P 4QP

Telephone: 020 7217 4620  
Email: [enquiries@lgo.org.uk](mailto:enquiries@lgo.org.uk)  
Website: [www.lgo.org.uk](http://www.lgo.org.uk)

## **Appendix One**

### **Unacceptable behaviour**

Some applicants may not qualify to register for housing with the Council on the basis of unacceptable behaviour.

Where the Council is satisfied that an applicant is guilty of unacceptable behaviour (or a member of the applicant's household) serious enough to make him or her unsuitable to be a tenant, S.160A(7) they will be treated as a non qualifying person for an allocation of housing.

The test which the Council will use is **had the applicant been a tenant of the Council when the unacceptable behaviour occurred, would the Council have been entitled to a Possession Order granted by the courts?**

It does not matter whether or not the applicant had been a tenant at the time, but whether or not the Council would have been granted a Possession Order if the applicant had been a tenant. If the Council concludes that the behaviour would have warranted a Possession Order they then have to consider whether or not the behaviour makes the applicant unsuitable to be a tenant. For example, would the Court have suspended the Possession Order?

If it is shown that the behaviour has improved, the Council may not consider the applicant as a non qualifying person.

If the Council decides that the applicant is not a qualifying person then they will be informed of this and the reasons why, in writing.

Under S.167(4A)(d) applicants have the right to request a review under the allocations scheme of any decision as to qualification and a right to be informed of the decision on review and the grounds for that decision.

## **Appendix Two**

### **Groups of people classed as being in priority need as per the Homelessness Act 2002.**

- A pregnant woman or a person with whom she resides or might reasonably be expected to reside
- A person with whom dependent children reside or might reasonably be expected to reside

- A person who is vulnerable as a result of old age, mental illness or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside
- A person aged 16 or 17 who is not a 'relevant child' or a child in need to whom a Local Authority owes a duty under Section 20 of the Children Act 1989
- A person under 21 who was (but is no longer) looked after, accommodated or fostered between the ages 16 and 18 (except a person who is a 'relevant student')
- A person aged 21 or more who is vulnerable as a result of having been looked after, accommodated or fostered (except a person who is a relevant student)
- A person who is vulnerable as a result of having been a member of Her Majesty's regular Naval, Military or Air Forces
- A person who is vulnerable as a result of
  1. Having served a custodial sentence
  2. Having been committed for contempt of Court or any other kindred offence; or
  3. Having been in remanded in custody
- A person who is vulnerable as a result of ceasing to occupy accommodation because of threats of violence from another person or threats of violence from another person which are likely to be carried out
- A person who is vulnerable for any other special reason, or with whom such a person resides or might reasonably be expected to reside
- A person who is homeless, or threatened with homelessness, as a result of an emergency such as flood, fire or other disaster

Enquiries will be carried out in all instances

## **Appendix Three**

### **Reasonable Preference Groups as defined by the Housing Act 1996 (as amended by the Homelessness Act 2002)**

The following groups of people must be shown to be given reasonable preference over other members of the public when allocating social housing by the Local Authority

- People who are homeless
- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing
- People who need to move for medical or welfare reasons, and
- People who need to move to a particular location – for example, to be nearer to special training opportunities, or special medical facilities – and who would suffer hardship if they were unable to do so

## **Appendix Four**

Referrals.

This relates to applicants who are referred to the Council under arrangements it has with certain referral agencies. Some of these cases may be considered at the Housing Forum. The agencies include.

- The Life Hostel
- Young Peoples supported accommodation with Aldwyck (Registered Provider) in St Albans.
- Care leavers referred by the Independent Support Service.
- Emmaus,
- Martin House,
- Kent House.
- Stonham Housing

## **Appendix 5**

Local lettings policy for above ground floor designated elderly properties

Vacant properties will be advertised and allocated in accordance with the following priorities

1. Applicants who are in Bands A – D who are aged 60 and over
2. Applicants who are in Bands A – D who are aged 50 and over

3. Applicants who are in Bands A to D who are aged 40 and over who do not have a history of anti social behaviour
4. If no one meets the above criteria then applicants over 60 in Band E will be considered.
5. From time to time additional criteria may be used. E.g. if a property has adaptations that make it especially suitable for an applicant with mobility problems for example. These will be stated in the Herts Choice Home advertisement.





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This Allocation Policy sets out the Council's arrangements for allocating housing accommodation within the meaning of Part 6 of the Housing Act 1996 (the 1996 Act) and related guidance; that is:-

The selection of applicants to be offered secure, flexible/fixed term or introductory tenancies by the Council.

Offers of secure, flexible/fixed term or introductory tenancies from other councils, or other bodies able to grant secure tenancies.

Offers of assured /flexible tenancies from registered social landlords.

The Council is committed to ensuring equal access and allocation of housing. No one will be treated any less favourably than anyone else because of race, colour, origin, religion, sex, disability, sexual orientation and age.

The Council operates an Equal Opportunities policy and copies are available from The Civic Centre, St Peters Street, St Albans, Herts, AL1 3JE, telephone number 01727 866100.

The development of a clear and consistent Allocation Policy goes hand in hand with careful monitoring to ensure that housing allocations are fair and seen to be fair by everyone.

It is also important that the Allocation Policy is understood by everyone who is part of it. Information leaflets and other communications that are easily understandable, audio and large print versions will be made available as appropriate. We can arrange a translation service for people who visit the Council Offices. If you need this service, please contact by email: [HousingOptionsGroup@stalbans.gov.uk](mailto:HousingOptionsGroup@stalbans.gov.uk) or telephone the Housing Options Department on 01727 819355.

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St Albans District Council allocates homes through ChoiceBased Lettings.

The Allocations Policy enables the Council to consider the individual needs of applicants whilst making best use of the scarce housing resource. The policy sets out:

How properties are allocated.

How to apply for housing.

Who is a qualifying person and can be accepted onto the Housing Register.

Who is not a qualifying person and cannot be accepted onto the Housing Register.

How priority for housing applicants will be given.

How homes will be let.

- 3** Many people who apply for housing will never be allocated a property by the Council because of the shortage of affordable housing in the district. Even if you have a high housing need you may have to wait for a considerable time before we are able to offer you a Council or Housing Association home.

The Council works with other Registered Providers in the District to provide affordable housing. Registered Providers include the Council as well as Housing Associations and when we advertise properties the details of the relevant landlord will be included in the advert.

The overall aim of the Allocations Policy is to provide a framework for the equitable, effective and accountable allocation of affordable housing in the district. The policy gives priority to those in greatest housing need, but also reflects the wider objectives of increasing choice, promoting stable and sustainable communities and making the most effective use of the housing stock.

The Council's Housing Allocations policy aims to:

Ensure that the allocations and assessment policy is transparent, simple, and easy to understand for all.

Provide applicants with choice and give reasonable preference to those with the greatest housing need.

Offer applicants open and fair access to housing and recognise diverse needs.

Offer applicants a more active role in choosing accommodation, taking account of individual circumstances and waiting time.

Provide applicants with sufficient information to make informed choices about opportunities for re-housing and understand the criteria and processes adopted by the Council.

Maximise the use of, and efficiently let, all housing stock available to the Council.

Promote social inclusion, sustainable communities and ensure that applicants benefit from any future regeneration and development taking place within the district.

The Council is required by law to give priority to certain groups. These are defined by the current statutory reasonable preference categories which are set out in s.166A (12) of the 1996 Act. These were rationalised in the Homelessness Act 2002 (and further refined by the Housing Act 2004) and are based on housing need.

These groups (reasonable preference categories) are:

- (a) People who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people who are intentionally homeless, and those who do not have a priority need for accommodation.
- (b) People who are owed a duty by any local authority under s.190(2), s.193(2) or s.195(2) of the 1996 Act (or under s.65(2) or s.68(2) of the Housing Act 1985) or who are occupying accommodation secured by any local authority under s.192(3).
- (c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- (d) People who need to move on medical or welfare grounds, including grounds relating to a disability; and,
- (e) People who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship (to themselves or to others).

As well as the groups the government says we must help, we have also decided to give priority to social housing tenants living in our district who will release a family-size home so that we can make best use of our housing stock.

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3 Choice Based lettings (CBL) allows qualifying applicants to select properties that they are interested in, and the scheme follows an open and transparent process, helping applicants make informed choices about where they want to live and the type of property they would prefer.

3 The Council is fully committed to enabling applicants to play a more active role in choosing where they live by advertising properties through Herts Choice homes and providing feedback about applicant's bids.

3 3 The Council believes that social housing should be seen as one of a range of options available to applicants. Information on all available housing options can be obtained from the Customer Service Centre or the Housing Options Team at the Council. You can also access information directly via the internet. Please refer to the end of this document for contact details.

3 If you do not have an identified housing need you will not be allowed to register for housing unless you are aged 60 or over and have a local Connection to the St Albans District. In these circumstances you will be considered for sheltered accommodation (if you meet the criteria) or properties restricted for applicants aged 60 and over only. In view of this, it is important to consider other housing choices that are open to you. These may include:

Privately rented housing.

Low cost homeownership.

Reducing your overcrowding by helping some members of your household move to their own accommodation.

Moving to an area of the country where council and/or Housing Association properties are more freely available.

Staying where you are, but getting help to make your property more suitable for your needs.

A mutual exchange (swapping homes with another social housing tenant). You can register for a mutual exchange at [www.homeswapper.co.uk](http://www.homeswapper.co.uk).

We will help and advise you on options that may be suitable for you.

- 3 5** If an applicant applies without a housing need and they are over 60 years of age with a Local Connection to the St Albans District, they will be placed in Band E. They may only apply for sheltered accommodation (if they meet the criteria) and properties that are restricted for applicants aged 60 and over.

**f** , **k**  
you should contact the Council's Housing Options service. It is important that you talk to us as soon as possible – we may be able to help you to keep your current home, at least for a time whilst you explore your housing options. If you do become homeless and the Council accepts a duty to house you, you face spending time in temporary accommodation and you will not necessarily be offered a Council or Housing Association property by us when we discharge our housing duty to you.

**k**

The Allocations Policy will work in parallel with a number of other key policies and priorities of the Council and these include the strategies listed below.

The Homeless Strategy (under s1 Homelessness Act 2002).

The Tenancy Strategy (under s150 Localism Act 2011).

The Housing Strategy.

Supporting People Strategy.

Private Sector Housing Strategies.

Equal opportunity/diversity and vulnerability.

Access and Inclusion Policy.

**5 M R w f**

- 5** The Housing Options Team will monitor the operations of the Allocations Policy by:

Regularly reviewing policy to ensure that the policy meets its stated objectives and complies with the legislative changes.

Assessing the impact, if any, that offering choice has upon vulnerable, black and minority ethnic groups and all other groups.

Publishing lettings statistics every six months.



## **6 R**

**6** Whilst the Council still owns and manages housing stock, it works in partnership with a number of Housing Associations who also provide secure, good quality, affordable rented housing. We maintain a Housing Register and have nomination rights to a large number of properties managed by numerous Housing Associations.

**6** The Council will operate a Housing Register which will include all applicants who apply and are approved for Social Housing. Lettings will only be made from the Housing Register. The Housing Register includes tenants of St Albans District Council and from Housing Associations.

## **7 W pp J R ?**

To join the Housing Register, applicants must be a qualifying person. In order to be a qualifying person, applicants must meet all the qualification classes set out below:

Be aged 16 years of age or over, although you cannot hold a tenancy until you are 18. Not be subject to immigration control or be an applicant from abroad unless the applicant is a 'qualifying person' as described by law.

Be habitually resident in the common travel area (England, Scotland, Wales, Ireland, Channel Islands and the Isle of Man).

Have a local connection to the St Albans area. Full details of Local connection are given at 7.6.

Have an identified housing need that would place you into Bands A-D (unless aged 60 and over and applying for sheltered or properties restricted for those aged 60 and over).

Have no history of unacceptable behaviour.

Not have the financial resources to resolve your own housing need (Refer to Section 12 for income and capital thresholds)

## **7 U p**

Applicants may be excluded from joining the Housing Register if the applicant or a member of their household is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.

Unacceptable behaviour is defined as behaviour which, if the person concerned were a secure tenant, would entitle the Council to seek a Possession Order against them. (Please see Appendix One for further details). Examples of such behaviour include:

Previous or current rent arrears.  
Breaches in your tenancy agreement.  
Previous or current property damage.  
Harassment or anti-social behaviour.  
Any relevant criminal activity.

**x** and applies regardless of who your landlord was at the time the unacceptable behaviour took place.

You did not (do not) have to be a secure tenant of the Council (or any Council) at the time and neither does an eviction have to have taken place.

When making decisions regarding unacceptable behaviour the Council will consider:

When the unacceptable behaviour took place. Consideration will be given to the length of time that has elapsed and whether there has been any change in circumstances.

What action the landlord would have taken against the perpetrator of the unacceptable behaviour. The behaviour must be serious enough for the Council to be granted a possession order.

Whether the unacceptable behaviour is due to a physical, mental or learning disability.

St Albans District Council, its partner landlords and the residents of St Albans have a right to expect certain standards of behaviour. Therefore, before you are accepted onto the waiting list, or made an offer of a property, we may seek certain references to see if you qualify to join the waiting list and will be a suitable tenant of the Council.

Any household can be excluded from the register for unacceptable behaviour, not only those who were previously a local authority (Council) or Housing Association tenant.

## **7      N   f      N   -   f      pp**

If the Council decides that an applicant does not meet the qualifying criteria to register for housing, they will be notified in writing and be given clear grounds for the decision. Applicants have a right to request a review of the decision. Details of how to do this are given in section 27.

If your circumstances change and you think that you may meet the qualifying criteria to register for housing, you can make a fresh application.

If you are a tenant with rent arrears, you will only qualify to join the Housing Register if you have been making regular payments towards your arrears for a minimum period, which is usually at least 6 months.

Transfer applicants (social housing tenants-please see 8.12 for definition) who apply to move to a smaller property with rent arrears will not necessarily be excluded from making a transfer application. In making this decision we will take into account the level of rent arrears and whether these have accrued as a result of the spare room subsidy.

If the Council decide that you do not qualify to appear on the Housing Register, we will write to you to explain the reason. You can ask us to review the decision.

### **7.3 K p pp Up**

All applicants must notify the Council when their circumstances change. Any changes in priority or bedroom requirements will date from when the information, including supporting evidence is received. It is the responsibility of the applicant to inform us if their circumstances change and to provide us with up to date contact details.

### **7 f pp**

Applications may be cancelled for one or more of the following reasons:

- (a) The applicant requests cancellation.
- (b) The applicant's circumstances change and they no longer meet the qualification criteria.
- (c) The applicant fails to return an update form or provide the verification documentation requested by the Council within the timescale requested.
- (d) The applicant is found to have made a false or deliberately misleading statement in connection with their application.
- (e) The applicant is re-housed by a registered landlord (Council, Housing Association, ALMO etc.)
- (f) The applicant has not bid for a period of 6 months or longer.

(This list provides examples - there may be other reasons why an application is cancelled).

When an application is cancelled, we will write to the applicant or their representative at their last notified address to notify them. Where an applicant has been highlighted as vulnerable, the Council will also try to contact the applicant by telephone or visit to check their circumstances before cancelling the application. Any applicant whose application has been cancelled has the right to ask for a review of the decision. This must be made in writing and within 21 days of the decision.

Where an applicant wishes to re-join the Housing Register at a later date their new date of registration will be the date they re-apply. Their date in band will be the date that they are placed in a housing needs band following assessment of the new application.

If however it is proven that an official error occurred or the applicant was unable to respond due to exceptional circumstances, we will reinstate the applicant on the scheme with their old registration date.

## **7 5 R f pp**

Applicants may be reinstated to the Housing Register on submission of written reasons confirming why their application lapsed. Requests will be considered on their merits by the Housing Options Team Leader (Housing Supply).

## **7 6**

Applicants must demonstrate that they have a local connection to be considered for registration on the housing waiting list. For an applicant to be considered as having a local connection to the St Albans Council's district they must qualify under one or more of the following grounds:

Applicant or joint applicant's usual residency is in St Albans District by the applicant's choice. This must have been for a minimum period of 3 consecutive years immediately prior to applying for housing. Please note that applicants in hostel accommodation in St Albans District or applicants without a fixed abode will not be considered to meet the residency requirements.

Applicant or joint applicant is currently in permanent employment in the St Albans District for 16 hours or more a week and has been for a minimum of 12 months immediately prior to applying for housing.

The applicant is an existing social housing tenant in St Albans District.

Applicants with a housing need that can demonstrate a local connection through close family living in St Albans will be considered eligible under special circumstances only. Close family includes parents, brothers, sisters, sons or daughters who are over 18 and they must have lived in the district for the last 10 years immediately prior to the housing application being made.

Where the Council agrees that there are special circumstances.

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- A member of the regular forces or someone who has served in the regular forces within 5 years of the date of applying for housing.

- Has recently ceased, or will cease to be, entitled to reside in accommodation provided by the Ministry of Defence following the death of their partner and that the death was wholly or partly attributable to that service.
- Is currently serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

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Not everyone who is entitled to join the Housing Register will be suitable to be a social housing tenant. When an application is registered, or while it remains on the housing register, the Council may withdraw the right to bid or any offer of accommodation.

Applicants who are not deemed suitable will have their application rejected or made inactive. We will give due consideration on a case by case basis in the following circumstances:

**pp R** : If you are a tenant with rent arrears, you will only qualify to join the Housing Register if you have been making regular payments towards your arrears for a minimum period, which is usually at least 6 months. Discretion will be exercised if:

An overpayment of housing benefit was due to an error by the Council.

Arrears accrued due to monthly rent payments where the account is consistently clear when the rent is paid monthly on a regular basis.

**pp p** :

The applicant and/or member of their household owe a debt to the Council, Housing Association or Private Landlord from a tenancy, because of damage to the property. Their application will be not be accepted until the debt has been paid in full. If the applicant's property is in a seriously neglected condition through the fault of the applicant, the application will be not be accepted until the condition of the property is brought up to an acceptable standard or any debt incurred is paid in full. This will include cases where the applicant has carried out unauthorised structural works to their property.

**pp f f p** The applicant has applied for and has been granted funding for aids and adaptations to the property valued at £1,000 or more, or the adaptations were carried out in the previous 5 year period.

**pp f - :** The application will be refused if the applicant's and/or a member of their household's behaviour affects their suitability to be a social housing tenant. This will be decided on a case by case basis.

The application will also be refused if any member of the applicant's household has assaulted or harassed an employee or agent of the Council, a Housing Association or a private landlord and this was either:

Proven by their convictions for an offence which happened during the tenancy; or,

Backed up by evidence which would have been presented in a court action for possession of the tenancy, if the tenancy had not ended before the court action could be taken.

**pp w f w**

**pp M p :** Applicants will have their applications made inactive until a period of 1 month before their release date, and official confirmation of this date will be required. If they do not have accommodation they may apply as homeless.

**pp M f M F :** Applications will be made inactive until a period of 3 months before their discharge date, and official confirmation of this date will be required. Those who occupy married quarters will also be required to submit confirmation that they are no longer entitled to occupy the married quarters.

**pp pp :** In these case applicants will have their application made inactive until confirmation is received that the applicant has completed the necessary support programme and is ready for move on to independent accommodation.

**7 W x F R M k**  
**pp ?**

Officers at Principal Officer level or higher will decide when to make an applicant inactive or to exclude them from the waiting list, giving:

The reasons for making an application inactive or excluding the applicant from the register.

The date the inactive application will be reviewed.

**7 pp / x pp R w**

Applicants have the right to request a review of the decision to make an application inactive or not to accept an applicant onto the register.

Please refer to Section 27 (Decisions and Reviews).

**w      pp      J                      R**

To apply to join the housing register applicants are required to complete a housing application form. This can be completed online and submitted at [www.hertschoicehomes.org.uk](http://www.hertschoicehomes.org.uk).

Once you have completed the form, you should submit it online. If you have difficulty filling in the forms please contact the Housing Options Team on 01727 819355 or email: [HousingOptionsGroup@stalbans.gov.uk](mailto:HousingOptionsGroup@stalbans.gov.uk).

- 3** An application may include anyone that may reasonably be expected to live with the applicant as part of their household (See 8.8).

You can only have one application for housing with St Albans either as a main/joint applicant or included as a member of the household in another application.

- 5** On receipt of the application form, the Council will aim to assess the application within 4 weeks of receiving the form and will request additional information and supporting evidence so that the applicant's eligibility, suitability and housing need can be confirmed. The Council will verify the information provided which may include inviting the applicant for an interview or home visit.
- 6** The Council's policy is to ask all applicants and people listed as part of the application form to provide independent documentary proof of the following when assessing their eligibility to join the housing waiting list. For each person on the application, including the applicant(s) the following documents are required:

Proof of identity - Full birth certificate or passport.

Where applicable passport and/or Home Office letter which shows residency status in the United Kingdom.

Marriage certificate (where relevant).

Adoption/foster certificate confirming main residency of any children in your application.

Proof of address – e.g. tenancy agreement/utility bill.

Ownership/financial interest in all other properties either in the United Kingdom or abroad.

Proof of income – e.g. benefit letters/wage slips for all adults included in application.



Proof of pregnancy (where appropriate).

Photos of all people on the application that are aged 16 and over.

Any other documents requested.

**7** After assessment the Council will write to applicants confirming:

Whether the applicant meets the qualifying criteria to register for housing.

The priority band in which the application has been placed.

The date that the application was placed in the band i.e. the 'priority date'.

Whether an applicant is registered as a homeseeker or a transfer.

Their unique reference number.

How to have a decision reviewed.

The Council will ensure that advice and information is available free to everyone on how to apply for housing.

Applicants must provide the documents that are requested when completing an application form. If these documents are not received then we may contact you on the methods provided in your application to request these. If the documents are not received within 14 days then the application will be deleted.

Applications will not be registered until all the documentary proof has been received. The registration date will be the date the fully completed form along with all the required documentary proof is received by the Council.

**W** **f** **pp** **( )** **?**

In most cases only someone who is living with the applicant(s) as part of their household on a permanent basis at the date of registration or children born after registration, can be included in the application.

We assess the size of property you require based on who is included on your application. You can include only members of your immediate family who normally live with you or other people who have an extenuating need to live with you.

**Y** :

Yourself and your partner.

Your children or your partner's children, if they are aged under 25 and have lived with you permanently.

Your carer (care worker) who has been assessed by Social Care & Health as required to provide overnight care or supervision. (Evidence must be provided).

Dependent children (under 18) joining the household, where it can be proved that the applicant is the sole legal guardian, will be considered as part of the household if they have lived as part of the family for a minimum of 12 months.

Dependent adult relatives who have joined the household because they are unable to live independently may be considered as part of the household. This will generally be because of age, disability or for medical reasons. Such cases will need to be referred to the Council's Independent Medical Adviser and/or the Council's Housing Review Panel.

Immediate family does not include you or your partner's

- parents,
- grandparents,
- brothers,
- sisters,
- aunts,
- uncles,
- grandchildren,
- nieces,
- nephews,
- cousins,
- friends,
- lodgers

unless they have an extenuating need to live with you. Non-dependant adults, whether related or unrelated, are generally expected to make their own housing application.

If you have adult children, aged 25 or over, or children with their own family, living at home, they may apply to the Housing Register in their own right, but they may have more chance of success in moving to a property in the private sector.

If you are a transfer tenant living in the St Albans district (see 8.12 for definition) that is under occupying and looking to move to smaller accommodation, you may include children aged over 25 if they have always lived as part of your household.

<b>f</b>	<b>w</b>	<b>pp</b>	<b>pp</b>
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Friends, lodgers, sub-tenants and any other adults not listed above wishing to be included in order to share accommodation with the applicant.

Anyone who has moved into the current property and caused the household to be overcrowded.

Anyone who does not intend to move to any accommodation offered to the applicant(s) or does not intend to live with them permanently.

Such people will be disregarded for the purpose of assessing any overcrowding priority and the size of property that the household requires.

## **J      pp**

For a joint application both of the applicants have to qualify for housing.

## **p**

Civil partners will have equal treatment with married couples in the Allocations Policy, including:

- Parental responsibility
- Protection from domestic violence
- Immigration and nationality purposes

## **f R**

The registration date of an application form will be the date the housing application form is received fully completed with all the requested documents at the office of the Council. As forms are usually completed over the internet, the date that all relevant documentary proof is supplied will be the date of registration.

## **k /      f      pp**

Applicants will be registered as a 'homeseeker' if they are an applicant on the Housing Register or are tenants of Housing Associations outside the St Albans District or Local Authorities outside of the St Albans District.

Applicants will be registered as a Transfer applicant if they hold a tenancy with St Albans Council or have a tenancy for a property within the St Albans District that is owned by a Housing Association.

Please note that applicants applying from intermediate rent, shared ownership, keyworker and London Strategic Housing properties will not be registered as transfer tenants.

## **p      f**

There have been some changes to the types of tenancy that can be issued. Below is a summary of the tenancies that might be offered.

## **ff R**

Affordable Rent tenancies are a new type of affordable housing intended to provide an alternative to, but not replace, social rent. At present this only applies to Housing Association tenancies. A proportion of both new homes and existing properties available for re-let, will be let on the terms of the Affordable Rent tenancies. Existing tenants who are offered an Affordable Rent property should seek further information from the Housing Association of the property to discuss the tenancy terms of the property. Properties let under the Affordable Rent Tenure will usually cost 80% of the open market rent.

Applicants who are successful for an affordable rent property will usually be subject to financial checks to ensure that they are able to afford these properties. Applicants that do not pass an affordability assessment under these circumstances will not be considered for the property by the Registered Social Landlord.

## **F x /F x /**

New Council/Housing Association tenants may be given flexible tenancies/ fixed term tenancies after the 1st April 2012. Unlike old Council tenancies, flexible tenancies cannot last indefinitely. Flexible tenancies will usually last for between 2 and 5 years, although most will be for 5 years, unless there is a good reason for the tenancy to be shorter. Assured Shorthold Tenancies can be for periods of six months or longer. Any tenancy offered will be in line with the landlord's Tenancy Strategy.

## **3 R M**

The Council is committed to providing access to housing accommodation to existing social housing tenants seeking to transfer from another Local Authority district in England who:

Meet a required priority category because of a need to move to the District to avoid hardship; and'

Need to move because the tenant works in the District, or needs to move to take up an offer of work.

The Council must be satisfied that the tenant needs, rather than wishes, to move for work related reasons (voluntary work is excluded, however apprenticeships are included). Items to be considered will include:

-The distance and/or time taken to travel between work and home;

-The availability and affordability of transport, taking into account level of income;

-The nature of the work and whether similar opportunities are available closer to home;

-Other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move;

-The length of the work contract (more than 12 months and 16 hours or more a week); and

-Whether failure to move would result in the loss of an opportunity to improve employment circumstances or prospects e.g. by taking up a better job, a promotion or an apprenticeship.

When a tenant has been offered a job and needs to move to take it up, they must be able to demonstrate a genuine intention to take up an offer of work. The Council will need to verify evidence that confirms the intention, which could include:

- A contract of employment;
- Wage/salary slips and/or bank statements (particularly relevant for zero hour contracts);
- Tax and benefit information; and,
- A formal offer letter.

**p f R p f pp**  
**ff f p p w**

The Council will also provide additional priority to applicants satisfying the above criteria (please see 'Right to Move priority').

The Council will publish the number of allocations to applicants who are successful with the 'Right to Move'. The Council will aim for a minimum of 1% and maximum of 1.5% of annual allocations in the District to be made to applicants who have the 'Right to Move' in line with statutory guidance. This will be reviewed and revised as appropriate.

In accordance with the Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 additional priority will be awarded to eligible applicants who can demonstrate that they meet one of the following criteria.

Is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

Formerly served in the regular forces

Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the armed forces following the death of that person's spouse or civil partner and that person's death was attributable (wholly or partly) to that service; or,

Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

These relevant applicants that have an identified housing need under our Allocations Policy will be awarded additional priority to place the applicant in the next highest band above the band that their assessed circumstances would otherwise warrant (unless in the highest band). This award will be approved at Housing Options Co-Ordinator level or above.

## **5 V f**

Applicants must have their circumstances and housing conditions verified before they are offered an assured or introductory tenancy. Verification may include a home visit. All applicants will be required to supply the following documents.

**w** ;

Proof of identity and residence for all persons included on the application.

Proof of eligibility. e.g. Home Office letter or passport where applicable.

Proof of income or benefits.

Proof of any savings and/or investments.

Proof of entitlement to reside in the United Kingdom and eligibility for an offer of social housing.

Proof that a local connection to the District still exists.

Other proof as considered appropriate by the Council.

For applicants who do not have any settled accommodation we will try to visit at the address/location provided on their application. We may also conduct an interview in the Council Offices.

If the applicant has successfully bid on a property, they will be contacted by telephone on their last known telephone number or e-mail address. It is the responsibility of the applicant to ensure that their contact details are up to date. If the applicant cannot provide a phone number of their own they must provide an alternative contact number or e-mail address that is checked regularly. If they do not respond by the next working day, the Council reserves the right to move on to the next applicant on the short list.

If the requested verification documents are not submitted within two working days of the request, or the applicant is not available or refuses a home visit within two working days the applicant will not be considered for the tenancy. The property will be offered to the next applicant on the shortlist. If there is any discrepancy between the information provided and the information we have regarding the application then we will make the application inactive whilst this is investigated.

Should the applicant no longer qualify for an offer or to be included on the Housing Register, they will be notified of the decision and the reasons in writing. The property will be offered to the applicant next on the shortlist. Applicants have the right to ask for a review of the decision. This request must be made in writing within 21 days of receipt of the original decision and must include reasons for requesting the review.

Verification may be carried out by the Council or the relevant Housing Association.

## **6 F W f**

It is the responsibility of every applicant to provide necessary information and documents that will assist the Council in carrying out enquiries into the housing application.

It is an offence (under Section 171, Housing Act 1996), for an applicant to knowingly or recklessly provide the Council with information that is materially false or deliberately withhold or misrepresent their housing circumstances.

The Council will consider legal proceedings against the applicant and support any application by a landlord to gain possession of accommodation gained by providing false or withholding information that may have affected an applicant's priority on the Housing Register.

Please note that we do carry out verification checks on the information you provide with other agencies, housing providers, and credit checking agencies and any inconsistencies will result in an application being deferred whilst an investigation is carried out.

## **7 W**

If the Council is satisfied that an applicant has worsened their circumstances they will be assessed based on their circumstances before the situation changed. If they did not have an identified housing need prior to their change in circumstances then their application will be made inactive. This will be reviewed after a 12 month period. It may include the following:

An applicant moving from accommodation that was available for their occupation that was suitable or more suitable for them than the accommodation they have moved into and which it was reasonable for them to continue to occupy.

Homeowners who have transferred their property to another family member within the last 5 years from the date of application.

Applicants who have disposed of or deprived themselves of assets which reasonably could have been used to secure housing within the last five years from the date of application.



Applicants who have moved family members or others into a property unsuitable for their needs when suitable accommodation was being occupied by them elsewhere.

## **f N**

All applicants aged under 60 years of age must have an identified housing need and local connection to register for housing. This is due to the low supply of affordable housing and the unrealistic expectations raised by registering applicants that do not have an identified housing need. Applicants that do not have an identified housing need will be able to access housing advice from the Housing Options Team. Applicants will be placed in a housing needs band between A and D.

Single applicants or couples aged 60 and over with a local connection to the St Albans district but without a housing need will be placed in Band E. This band will be for those aged 60 and over without an identified housing need applying for sheltered and age restricted housing only.

All applicants will be placed in a housing needs band following an assessment of their household's needs. Documentary proof will be required and if not provided within the requested timescales, the application will not be processed. This is to ensure that the Council meets its legal obligations as set out in the Housing Act (1996) as amended by the Homelessness Act (2002).

The Council will work with the applicant, their advocates and our partner agencies to provide this advice and assistance.

Applicants registered for housing must be prepared to make bids within the Choice Based Letting Scheme and make appropriate choices in the context of the local social housing availability within the District and balance this against the urgency of their own situation.

## **N**

Applicants will be placed in one of four priority housing needs bands. Applicants in band A will have the highest priority, applicants in Band D the lowest priority. If an applicant is applying for sheltered or age restricted accommodation they will be placed in to Bands A-E.

The assessment will be made in order to meet the requirements of the Housing Act (1996) as amended by the Homelessness Act (2002) and other government guidance whilst making best use of the housing nominations being made available to the Council including nominations to a RSL or other housing provider. Properties will be offered to applicants based on the following priorities:

Property Eligibility – does the applicant meet the requirement for the property as outlined in the advert including bedroom entitlement.

Priority Banding

**3** Priority date (when registration into the current priority band took place).

Adapted properties advertised will be matched with applicants who need that type of adapted property whenever possible.

There is a very severe shortage of Council and Housing Association homes in St Albans District and all applicants are advised to consider other housing options.

For some properties a Local Letting Scheme will be in force and properties will be offered to applicants based on the priorities of that scheme.

The examples given below are given only as a guide.

	<b>p f</b>
Applicants will be placed in Band A in circumstances where the applicant's current property poses a significant risk to life or health, and immediate re- housing is required. Applicants in Band A will be offered time-limited bidding (usually 4 cycles unless otherwise stated) and/or a direct let.	
	<b>- M N</b> Applicants with an over-riding medical priority awarded by the Local Authority. The Council may consult an independent medical adviser but the final decision rests with the Council. The applicant's medical condition will be such that it is being so severely and adversely affected by their current housing situation as to warrant an emergency move.
	<b>- /W f N</b> Applicants with an over-riding social/welfare priority. The applicant's social/welfare needs will be such that those needs are being so severely and adversely affected by the current housing situation as to warrant an emergency move. This priority may be agreed at the Housing Review Panel or by at least two of the senior management team. (Head of Housing/Tenancy Services and Performance Manager/Strategic Housing Manager/Principal Strategic Housing and Development Officer).
	Applicants needing to move urgently where there is a serious imminent personal risk if they remain. This will be where there is a threat of death or injury. This will need to be supported by corroborating evidence from the Police. This priority may be agreed at the Housing Review Panel or by at least two of the senior management team.
	<b>f f 3</b>

	<p><b>pp</b></p> <p>Where an applicant has succession rights to a tenancy after the death of a tenant, the applicant may be required to move to alternative housing in line with their assessed housing needs.</p> <p>In processing requests for succession to a tenancy the Council recognises civil partnerships as conveying legal rights and recognition of a relation for same sex couples. Time limited bidding of 3 months will apply after which an assisted bid leading to a direct offer may be made.</p>
	<p><b>R p p - pp p p p</b></p> <p>The property has major adaptations, and there is a current need for a property with that adaptation.</p>
<p>Applicants placed in Band B are deemed to need re-housing urgently. Applicants in the following situations and circumstances will be placed in this band.</p>	
	<p><b>pp ff f</b></p> <p>All cases of harassment will, in the first instance, be dealt with through our Anti-Social Behaviour Policy. Should the harassment reach a level where there is a recommendation from a senior officer of a relevant statutory or voluntary agency such as the police or Hertfordshire County Council's Children, Schools and Families Department, that a move is necessary, the applicant will be awarded Band B priority.</p> <p>Where this priority refers to a transfer ( ) this will be a property of a size that is appropriate for the applicant's housing need.</p>
	<p><b>(M w )</b> A statutory duty is owed where the authority is satisfied that the applicant qualifies for assistance, falls within a specified priority need group, is unintentionally homeless, and has a local connection with the authority (except where fleeing violence or harassment). A direct offer will be made. This offer can be an offer of a privately rented property.</p> <p>Please see Appendix Two for further explanation.</p>
	<p><b>U M N</b></p> <p>Applicants with an urgent medical priority awarded by the Local Authority. The Council may consult an independent medical adviser but the final decision rests with the Council. This includes cases where the applicants' medical condition will be such that adaptations are required at the current property but the need to carry out adaptations could be avoided or reduced by a move to more suitable accommodation.</p>

	<p><b>U /W f N</b></p> <p>The applicants social/welfare needs will be such that, should the applicant be moved to a more appropriate property, this will be improved by alternative accommodation. For example a disabled child that needs to attend a specialist school. This will be approved by 2 members of the senior management team or one member of the senior management team and one Housing Options Co-Ordinator.</p>
	<p><b>R f</b></p> <p>Applicants referred to St Albans District Council under arrangements with certain referral agencies, or those made through the Housing Forum. See Appendix One for details of these. These applicants will be made one offer of accommodation and will not be able to place bids themselves through the Herts Choice Homes scheme once they have been approved for Move On.</p>
	<p><b>f p f</b></p> <p><b>p w 3</b></p> <p>,</p>
	<p><b>x- p</b> (see section 8.14 for more detail about who can qualify under this criteria) who are homeless and unable to resolve their own housing need and where there is an urgent need for rehousing to avoid hardship.</p>
	<p><b>pp w p f</b></p> <p>This band also recognises applicants with a composite housing need. To qualify to move to Band B, an applicant should be assessed as having a high medical need or have two or more bedrooms lacking plus _____</p> <p><u>at least one other factor from the list under Band C.</u></p>
Applicants placed in Band C are deemed to have a high need to move. Applicants in the following situations and circumstances will be placed in this band.	
	<p><b>M N</b></p> <p>Applicants with a high medical priority awarded by the Local Authority. The Council may consult an independent medical adviser but the final decision rests with the Council. The applicant's current accommodation will be deemed as not appropriate for their medical needs.</p>
	<p><b>/W f N</b></p> <p>Applicants with a high social/welfare priority awarded by the Local Authority. The applicants' current accommodation will be deemed as not appropriate for their social/welfare needs. For example a disabled child who needs a garden for therapy. Priority awarded by at least one member of the senior management team.</p>

	<p><b>pp p p p</b> An applicant releasing an adapted property (major adaptations) where there is not a current need for a property with that adaptation.</p>
	<p><b>pp k w</b></p>
	<p><b>R R ff ( p )</b> A service occupier is someone occupying tied accommodation as a condition of their employment with the Council for the better performance of their duties. Service occupiers may be re-housed in suitable alternative accommodation (not like for like) in accordance with the conditions of their terms of employment. They will be able to bid 6 months prior to their retirement. The service occupier will only qualify for re-housing by the Council only if:</p> <ul style="list-style-type: none"> <li>they meet stated requirements in their contract of employment</li> <li>they meet the eligibility criteria to appear on the housing list including immigration status and unacceptable behaviour criteria</li> <li>they do not own another property elsewhere and do not have income or assets that would enable them to meet their own housing needs in the private sector.</li> </ul>
	<p><b>pp p p ( )</b> An applicant releasing a one bed general needs property will be placed in Band C if they require sheltered accommodation or elderly designated accommodation only.</p>
	<p><b>pp w p f</b> This band also recognises applicants with a composite housing need. To qualify to move to Band C an applicant should be assessed as having either recognised medical need or lacking one bedroom <u>plus at least one other factor from the list under Band D.</u></p>
<p>Applicants placed in Band D are deemed to have a recognised need to move. Applicants in the following situations and circumstances will be placed in this band.</p>	
	<p><b>R M N</b> Applicants with a recognised medical priority awarded by the Local Authority. The Council may consult an independent medical adviser but the final decision rests with the Council. For example a person reliant upon walking aids who lives in an area with no public transport.</p>
	<p><b>R /W f N</b> Applicants with a recognised level of social or welfare need as assessed by the Local Authority.</p>

	<p><b>F p</b></p> <p>Applicants will be awarded Band D priority where the Local Authority deems a move would help address exceptional financial hardship.</p> <p>Where an applicant feels they will qualify for Band D priority due to exceptional financial hardship, they should approach the Local Authority for further guidance. In order to assess this, applicants will need to complete a financial disclosure form.</p>
	<p><b>R f</b></p> <p>This category includes other homeless applicants who are not owed a full duty under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002. Please see Appendix Three for further details</p>
	<p><b>U f</b></p> <p>Applicants will be awarded Band D priority where it is determined by the Local Authority that they are living in unsatisfactory conditions. This will have to be assessed by the Local Authority Housing Department.</p> <p>Examples could include caravans or trailers or sharing facilities with non-family members.</p> <p>Applicants with children in insecure accommodation e.g. with family or friends and lacking or sharing facilities where the applicant has no tenancy agreement or licence</p>
	<p><b>pp k</b></p> <p>This includes applicants that apply from 1 bedroom accommodation with a child under 2.</p>
	<p><b>pp w k, w f p w p,</b></p> <p><b>M f R</b></p>
	<p><b>p x- p w</b></p>
<p>Applicants placed in Band E are not deemed to have an identified need to move. Applicants in the following situations and circumstances will be placed in this band.</p>	
	<p>Applicants aged 60 and over with a local connection but without an identified need that are applying for sheltered or age restricted housing (60 years and over).</p>

All priority Band A (Emergency Need) cases and some categories of priority Band B (does not apply to under occupying social housing tenants living in the St Albans District area) will be subject to time-limited bidding and/or direct lets. Applicants offered time limited bids will be given a period of time in which to place their own bids before we review their case. In determining the timescales given to bid we will consider the individual merits of the case. This acknowledges the urgency of the situation, both for the applicant and for the Council. All cases will be monitored closely throughout this period. After 4

cycles each case will be reviewed on its own merits, and a decision will be made as to whether:

The applicant should lose their emergency status if the circumstances under which they were placed in band no longer apply and they should be re-assessed and placed in a lower band.

The Council should allow the applicant to remain in the band until a further review.

The Council should make one direct offer of accommodation before re-assessing the applicant and placing in a lower priority band.

During the initial period applicants will be expected to bid for any suitable advertised properties. The Council will monitor this and if applicants do not make bids on properties the Council considers suitable, the Council will make bids on the applicants' behalf during the initial period if the applicant has not made 3 bids in that cycle. If applicants require help with bidding they should request supported bidding by contacting the Housing Options Co-ordinator (Choice Based Letting & Temporary Accommodation).

Applicants must consider different property types (houses or flats) from those they currently occupy. This means that applicants will sometimes need to compromise on their ideal choice of housing in order to achieve the urgent move they need. It will not always be possible to meet all their aspirations within the time available.

In conducting the review the Council will take into consideration the questions posed below.

Have there been any properties advertised that would have met the applicant's need?

If so, have they bid for them?

Why have they been unsuccessful?

Do they have a specific need for a property that has not been available and no other property will resolve their housing need? For example, do they have a disability and need a ground floor property in a specific area so they can get family support?

Have they received appropriate support and help in accessing the choice based letting scheme?

Have the applicant's circumstances remained the same?

Is the applicant holding out for something that is unlikely to become available in a reasonable timescale, even though their need could be resolved by a more readily available property?



If the Council decides not to extend the period for bidding, the Council will make a final offer by making a bid on behalf of the applicant and, if successful, offer the property to them. If the applicant refuses this offer they will be moved to a lower priority band. (The Council can discharge its housing duty to homeless applicants if they do not accept their final offer)

### **3 p**

Where the Council accepts a duty to rehouse a homeless household they will be made a direct offer of accommodation. This means that once an applicant has had their case approved they will no longer be able to place bids through the Choice Based Lettings system. One offer of accommodation will be made to the applicant which may be a direct offer and may be the result of an assisted bid placed on their behalf. If an applicant is unhappy with the offer then they have the right to request a review. See section 27.

Please note that if you are a household with one child under 2 then your direct offer may be to a 1 bedroom property or a 2 bedroom property.

Accepted homeless households may also be offered a property in the private rented sector. These tenancies will be for a minimum for 12 months.

Applicants will generally be offered accommodation in the order of their priority date within band and bedroom requirements. However there may be exceptions to this depending on the requirements of the applicant and the suitability of accommodation. For example in cases where applicants are in Bed and Breakfast for approaching 6 weeks or where we have identified that we require a particular unit of temporary accommodation to be vacated.

### **w**

The Council allocates accommodation via choice based lettings- Herts Choice Homes. Applicants' housing priority will be assessed and applicants will be placed in a priority band A – D (unless aged 60 & over applying for properties that are sheltered or restricted for those aged 60 and over – these applicants will be placed in Bands A-E). Within the priority bands, the length of time an applicant has been waiting will be the deciding factor in determining who is re-housed unless a local lettings policy applies when the priority will be determined by the local lettings policy.

We advertise available properties, inviting applicants to bid for them. By “bid” we simply mean apply for the property.

A proportion of properties will be prioritised for transfer applicants. This in turn creates vacancies which are advertised through Herts Choice Homes.

Up to 50% of 3 bed properties will be prioritised for transfer applicants (see 8.12) and 50% of those prioritised for transfers will be advertised for transfer applicants (see 8.12) in Band D.

Up to 25% of 2 bedroom properties will be prioritised for transfer applicants. Of this 25%, up to half will be prioritised for Band D transfer applicants only (see 8.12).

The Council will also prioritise up to 20% of 2 bedroom properties for applicants that are in Bands C and D. This offers applicants in these reasonable preference groups the opportunity to secure accommodation. This is applicable for both homeseekers and transfer applicants.

Up to 10% of properties will be prioritised for applicants who are in employment. Applicants will need to demonstrate that they are currently employed and have been employed on a permanent basis for a minimum of 12 months in the District, working 16 hours or more a week. Consideration will also be given to those on zero hours contracts.

**p**  
**w**

**w k**

**w**

Additionally some of the properties may be advertised for a particular group of applicants. This will be done in order to achieve best use of the housing stock or to comply with planning conditions. Examples include properties where there are disabled adaptations, larger 3 bedroom, 2 living room properties, supported housing schemes, sheltered housing, elderly designated properties and properties where a local lettings policy applies. This list is not exhaustive. Any criteria will be listed within the advert.

Where the property advertised is a Housing Association property any offer will be subject to the applicant meeting the Allocations Policy of the Housing Association.

**p**

The majority of bids will be made by the applicant. However in certain circumstances the following may apply:

– This usually applies to applicants in band A or B. Assisted bidding is where the Council will bid on behalf of the applicant. For homeless cases this will count as a final offer and for succession cases this will count as a formal offer.

**pp** – This will apply for sensitive cases. The applicant may still bid themselves but the Council will need to approve the bid as suitable.

**pp** – This is where an applicant may be vulnerable and no third party has been identified to assist them. The Council will take responsibility in assisting the applicant to place bids.

If you wish us to discuss your application with third parties we will need your signed agreement in order for us to disclose or accept information from your advocate.

Direct Lets may apply in the following circumstances:

Extra care or flexi care properties.

If a property is needed to house someone in council property temporarily.

In some cases where someone has to be moved immediately.

In the case of a specially adapted property which is particularly suitable for a particular applicant or where a property has been identified as being suitable for an extension or adaption decants (where the Council needs tenants to move).

If there is no alternative temporary accommodation available and the Council would be breaching their duty.

Allocations to ground floor sheltered and elderly designated accommodation given to current tenants, living on an upper floor, within the same block, who have a medical/mobility need for ground floor accommodation.

Accepted homeless households.

Applicants aged 60 and over who fall into a priority need category under Homeless legislation may be made a direct offer into one of our sheltered schemes as part of our Homelessness Prevention initiative.

Direct Lets will not always be part of the choice based lettings scheme

### **3      pp                                  M      -**

Housing applications received from the Multi Agency Public Protection Panel will be considered by the Housing Review Panel and, if successful, will be subject to approved bidding as detailed in Section 10.1.

### **pp                  w                                  p      p      p                                  p**

Where an applicant has been assessed by the Council's independent Medical Adviser as requiring a specific size, type or adapted property, they will be placed in the appropriate priority band. In some cases the applicant may be offered a direct let. Where the Council has identified a shortage of suitable properties for applicants with special requirements on the housing register, the Council will consider creating a 'chain move'. This is where the Council matches the applicant with a special requirement need, with a Registered Social Landlord (RSL) who has identified an applicant with an adapted property who has applied for a transfer. This is different from a Mutual Exchange whereby all applicants have a property to offer in the exchange.

Occasionally a property will be substantially adapted to make it suitable for applicants with a disability. In these cases priority will be given to bidders with an identified need for this type of property, providing that they are in Bands A–C. Some ground floor properties will be advertised with a preference for applicants within Bands A-C who require this on medical grounds.

## 5

The Council, in partnership with Registered Social Landlords, may produce a local letting policy. These policies will outline any specific local letting initiatives for the neighbourhood taking into account supply and demand and other management factors. Rural exception sites will be subject to permanent local lettings policies. Other local letting policies are normally short term measures put in place to address specific local issues. These can include dealing with community sustainable issues such as:

Increasing the number of people in employment.  
Training; or,  
Reducing child density and anti-social behaviour on estates.

Local lettings policies may therefore override the 'rules of choice and the Council's normal letting policy' in specific neighbourhoods, in villages or on local housing estates and over specific periods of time. Examples include properties that may have criteria based on age or household composition to address specific local issues or may override occupancy level agreements and demand issues to address local management or supply.

Local lettings policies apply to elderly designated properties above ground floor (please see Appendix 5)

Local letting policies will be by definition dynamic documents monitored against and developed in line with changing situations and demands.

Copies of local letting policies will be available from the Council and the RSL.

The Council in these circumstances will ensure that their local lettings policies do not discriminate, directly or indirectly, on racial or other equality grounds. Local lettings policies will normally apply to new developments where over 10 affordable homes will be provided.

## 6 - -R ( )

Some properties in the St Albans District may be advertised into the Cross Partner Pool. Anyone on the housing register within the Herts Choice Homes consortium is able to apply for these properties. Placing properties into the Cross Partner Pool is at the discretion of the landlord.

When allocating (or matching) a property through the Cross partner pool we will take into account the following factors:

Property Eligibility of the authority advertising the property. (i.e. applicant's ages, household size and composition in relation to the size and type of property being allocated and the authority's own policy).

Priority Band on the Housing Needs Register (A-E).

Priority date. Where more than one applicant meets the preceding criteria, the applicant with the earliest applicable date will be made the offer of accommodation.

Where two applicants have met the preceding criteria and have the same applicable date, the property will be offered to the applicant for whom the Council considers the property is most suitable, taking all other factors into consideration, particularly making the best use of the vacancy.

## **7 M**

The Council will have some agreements with organisations that provide specialist housing. These organisations deal in particularly with vulnerable homeless applicants or young people leaving care who may require move on accommodation usually for single applicants. The Council will try to house an agreed number of applicants nominated from these organisations each year. Applicants will need a local connection.

### **M**

There are occasions when the Council must house applicants outside our normal procedure. When requested, supporting evidence from other agencies such as police, Adult Social Care or Children Schools and Families and other groups is essential to achieve a management decision. Evidence of this nature needs to be countersigned by a Senior Manager.

Management Priority moves will be dealt with on a case by case basis. Cases that will be considered for management priority decisions include:

- Decants (where the Council needs tenants to move)
- Nominations received from the National Witness Mobility Scheme
- Households who need to move for emergency reasons not covered in the bands.
- Cases referred through Multi-Agency Public Protection (MAPP).

In view of the urgency involved with Management priority offers, one reasonable direct offer of suitable accommodation may be made by the Council.

The table below indicates the size and number of bedrooms that an applicant can bid for.

When calculating bedroom entitlement the following rules will apply.

2 children of the same sex are entitled to one bedroom regardless of their ages.

2 children of opposite sexes are entitled to one bedroom until one reaches the age of 10.

**f**

Household Size	
Single Applicant	Bedsit-Studio or One bedroom
Single Applicant with staying access to 1 child	Bedsit-Studio or One bedroom
Single Applicant with staying access to 2 children	One bedroom
Couple without children	One bedroom
Parent/s with one child under 2	One bedroom or Two bedrooms
Parent/s with one child aged 2 or above. Parent/s with 2 children under 2	Two bedrooms
Parent/s with 2 children of the same sex. Parents with two children of opposite sexes where both are under 10 years.	Two bedrooms
Parent/s with 3 children	Three bedrooms
Parent/s with 2 children of opposite sexes where one is over the age of 10.	Three bedrooms
Parent/s with 4 children Parent/s with 4 children depending on age and sex (2 same sex sharing / opposite sexes sharing up to 10 years.)	Three or Four bedrooms using the eligibility rules outlined above.
Parent/s with more than 4 children	Four bedrooms or larger Three bedrooms with dining room and lounge.

All properties that are advertised through the CBL scheme will be clearly labelled to identify the size of property that an applicant can bid for.

**U**

An unborn child does not count as part of an applicant's household.

**x p**

Due to the acute shortage of 4 bedroom properties, applicants registered for 4 bedroom properties or larger will also need to bid for large 3 bedroom properties if the maximum household occupancy in the advert allows.

**f f**

The Council will check to make sure that access does take place and will need to see proof. Such proof could include a letter from the separated (other) parent. This is not normally considered enough on its own, as the proof should be independent, therefore the Council will seek further supporting evidence such as a Solicitor's letter or Court papers as it deems appropriate or make appropriate enquiries.

Where an applicant has staying contact with children for less than 50% of the time, the children will not be counted as part of the applicant's household when assessing bedroom requirements.

Where two applicants have equal staying contact with children, evidence as to the child's main and principal home is required when assessing bedroom requirements.

**M N f x**

If the applicant feels that there is a medical need for an extra bedroom, or alternative suitable accommodation, this will be considered by the Council. The Council will seek supporting evidence from the applicant that there is a need for an extra bedroom or alternative accommodation. The applicant may be required to complete a self- assessment medical form. The Council may refer this information to a Medical Adviser and in these cases they will assess these forms and these recommendations will be considered by the Council.

This may over-ride the usual rules about bedroom eligibility.

**x f ( w k )**

It will be expected that Adult Social Care or Child Care services should provide supporting evidence that a 'live in' carer is needed, and that if the support was not given voluntarily or paid for by the client they would qualify for funding for a 'live in' carer.

Only one extra bedroom for a carer will be considered. Extra rooms for a carer's dependants cannot be considered.

**W Y W**

Most properties which become empty will be advertised on a weekly basis on [www.hertschoicetohomes.org.uk](http://www.hertschoicetohomes.org.uk). If you have a recognised housing need and do not have access to a computer you can request a freesheet which will be sent to you.

## **W**

Applicants can bid for any property that is of the appropriate size in accordance with their assessed need. Bidding is simple, it can be done either by:

Telephoning the bidding line on 0870 998 2290  
Accessing the website [www.hertschoicehomes.org.uk](http://www.hertschoicehomes.org.uk)  
Bidding via text message

New properties are advertised every week with a closing date for bids clearly shown. Applicants will be allowed to bid for 3 properties per cycle. Bids must be submitted before the closing date.

Each available property will have a short description that will include the number of bedrooms, floor level, rent, location of the property and information about facilities in the property and its neighbourhood. Applicants must make sure they meet the criteria noted on the advert otherwise they will not be considered for the property and it will be a wasted bid.

The Council cannot guarantee precisely when an applicant will be successful in their bid, as this will depend on the type and location of the property they bid for, whether they have reasonable or additional preference and the number of applicants bidding for the property.

For those applicants seeking a move who are housebound, options such as directly mailing a freesheet or working with statutory and voluntary agency partners to provide personal customer support will be explored.

## **V w**

After bidding closes, the Council may short list between one and five applicants to view a property. This will depend on the demand for the property. Applicants will be contacted by telephone to inform them of the location of the property and the time for viewing.

Applicants are reminded that they must provide up to date contact details. If we are unable to contact a successful applicant within two working days then the property will be offered to the next applicant on the shortlist. Applicants must also make an appointment for a viewing within 24 hours otherwise the property will be offered to the next person on the shortlist.

The purpose of viewing the property is to see the internal and external features of the property and seek any further clarification from the landlord regarding the property. The top ranked applicant that has been shortlisted for a property will have their application deferred temporarily whilst they are under offer. This will mean that any other bids placed will not be considered whilst they are under offer.



In some cases such as applicants transferring from one property to another, applicants may end up viewing a property with the current tenant in situ. All tenants will be notified of this before a viewing is conducted in their home.

The applicant at the top of the shortlist will normally be given 24 hours after viewing a property and receiving a verbal offer of a tenancy, to accept or refuse the offer. If the offer is refused the person next on the shortlist will be offered the property.

Some applicants may require longer than others to make a decision about a property depending on their circumstances:

- They may wish to take advice in making their decision particularly in the case of vulnerable applicants.

- They may be unfamiliar with the property.

- They may be in hospital.

In these circumstances the landlord will agree a time with the applicant.

In exceptional circumstances the Council's Head of Housing may approve a decision not to offer a property to the applicant at the top of a short list if in doing so the offer could put a vulnerable applicant at risk of any harm. Any such decisions will be given to the applicant in writing.

### **3 p ff**

Once the applicant has confirmed that they want to accept the offer of the tenancy, the Landlord of the property will give the applicant a formal offer of the tenancy. During the period after acceptance of an offer and before tenancy sign up, the CBL system will not allow the applicant to be considered for other properties.

The landlord of the property will normally start the tenancy on the Monday following viewing if the property is available. In some cases there may be a delay between acceptance of an offer and commencement of tenancy e.g. new properties awaiting final handover, properties undergoing maintenance.

In cases where the new tenant is vulnerable, such as being an elderly person with no support or someone with learning difficulties, the Landlord may use discretion to allow a longer period before the tenancy start date.

### **W w f ff**

In the following very exceptional circumstances, the landlord may withdraw an offer of accommodation:

- Where there has been a change in the applicant's circumstances.

- Following verification, the applicant does not qualify for the property.

- Where an error has been made in the advertising criteria.

- Where an offer of accommodation could put a vulnerable applicant at risk of any harm.

Where the applicant does not meet a specific Letting Policy of the landlord.

This list is not exhaustive.

## **5 R f ff f**

If an applicant refuses an offer of accommodation made, they will remain in their housing needs band. If an applicant refuses three offers of a property made through CBL, the Council will contact the applicant to verify their circumstances and may make their application inactive whilst enquiries are made.

## **F**

All applicants will be asked about their financial circumstances as part of the verification process. We will use a credit checking agency to verify details and as part of our policy to prevent/detect fraud/share information with other departments within the Council and other Housing Providers. By signing the Housing Register declaration form you will be giving your consent for this. If an applicant's financial situation is such that they are deemed to have sufficient financial resources to resolve their own housing need they will be excluded from the waiting list.

An applicant who has sufficient resources to resolve their own housing need, either through renting or buying a suitable property, (whether on the open market or through one of the low-cost home ownership schemes) or by any other means, will normally not be allowed onto the housing register. In making this decision we will take into account any equity outstanding from the sale of a property, income, investment income and current property value (for home owners). This list is not exhaustive but gives an indication of what will be taken into account in the financial assessment. Applicants can request a review of this decision. Please note that we will disregard any sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service.

The following income threshold limits apply in accordance with the property size required:

1 Bed Property	£35,469
2 Bed Property	£40,351
3 Bed Property	£51,455
4 Bed Property	£61,620

If your income level exceeds the above thresholds in relation the property size you are eligible for, you will be unable to join the Housing Register.

The following capital threshold limits also apply:

For general needs properties (If you are of working age) – Over £25,675.

For age restricted sheltered properties (If you are retired) – Over £51,350.

If your capital level exceeds the above amounts, an Income and Expenditure Form will be completed in order to assess your ability to afford the private sector.

If you apply to the Housing Register and you own or part own a property then your application will not be accepted onto the housing register unless there are very exceptional circumstances. The decision to allow a property owner onto the Housing Register will be made by officers at Principal Officer level or above.

### **3 M**

Where an applicant or member of their household has a medical condition or disability that is affected by their housing circumstances, they will be asked to complete a medical self-assessment form. Applicants need to state how their medical condition will be improved or alleviated by a move to alternative accommodation. This will usually be considered along with any other medical reports or occupational therapy reports and may be referred to the Council's Medical Adviser. If requested the Medical Adviser will advise on the relative medical priority of the household and any other re-housing needs, such as a need for ground floor accommodation for consideration by the Council. The Medical Adviser's recommendation will be considered by the Council. The Council will make the final decision as to whether or not medical priority will be awarded. Some applicants may be considered for bungalows if it is considered that this type of property is suitable for them even if they do not meet the age criteria.

The 'priority date' awarded under Medical Grounds is the date of which the original medical information was received by the Council, for which you received additional priority. For more information relating to 'priority dates', please see section 20.

Applicants can request a review of their medical priority; this must be put in writing within 21 days of notification of the decision. Whilst the Council may seek the opinion of a medical expert in determining whether priority will be awarded, the final decision rests with the Strategic Housing Manager or Principal Strategic Housing and Development Officer.

Where an applicant requests priority based on a medical condition, this will only be taken into account where the medical condition is being made worse by the particular accommodation that the applicant resides in or would be improved by a move to more suitable accommodation.

The medical panel may make recommendations for a particular property type e.g. ground floor. Applicants must make appropriate bids (or request assisted bidding). Bids for properties that do not meet the recommendations made by the panel will not be considered.

**pp / N**

It is essential to assess any support and care needs for applicants with approved medical priority. The Council may liaise with Adult Social Care, Children, Schools and Families, the Supporting People team and other relevant agencies, as necessary, to ensure the allocation of appropriate accommodation.

The Council will also consider whether the applicant or member of their household needs would be better served by the applicant remaining in their current accommodation and, if appropriate, an application for aids and adaptations can be made.

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For sheltered accommodation usually only applicants aged 60 years of age and over will be considered, but applicants with physical/learning disabilities who are suitable for and would benefit from sheltered accommodation will also be considered.

For sheltered accommodation usually only applicants aged 60 or over will be considered, but where a joint application is made, these will be considered where one applicant is aged 60 or over and the other is aged 50 or over.

Sheltered housing will only be available to householders who require the level of support offered in this type of accommodation. Applicants for sheltered housing will be subject to an assessment by the Council to establish the prospective applicant's support needs and suitability for living in their chosen Sheltered Housing schemes.

Priority for allocations to ground floor sheltered and elderly designated accommodation will be given to current tenants on the transfer list, living on an upper floor, within the same block, who have a medical/mobility need for ground floor accommodation. This will be done via a direct let. Allocations thereafter will be allocated based on individual need. This will then free up a property for an applicant via CBL.

Some properties are restricted for older applicants. The age restriction will be in the advert. Some properties above the ground floor that are age restricted may have a local lettings policy. This is outlined at Appendix 5.

If the assessment indicates that the applicant requires a higher level of support than can be provided by sheltered housing, the applicant will be advised of this and referred to Adult Care Services and where appropriate, considered for extra care or flexi care schemes.

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**w**

Bungalows are primarily for applicants who are aged 60 years and over or for social housing tenants living in the St Albans District who are aged 50 years and over and are currently under occupying a Council or Housing Association home.

However some applicants (Bands A-C) below the ages listed above, who have a medical priority will be considered for bungalows. All applicants not meeting the age restriction will need to be approved by the Council to bid on bungalows.

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**U**

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In order to make the best use of our Council stock we will place social housing tenants living in the St Albans district that are under occupying 3 and 4 bedroom accommodation and looking to move into 1 bedroom accommodation into Band A. All other social tenant under occupiers living in the district will be placed in Band B. St Albans council tenants who under occupy and who move to one bedroom accommodation from two bedrooms or larger will be entitled to a moving grant of £1250. Also we will organise and pay for their removals. Under occupiers who are aged 50 and over are able to bid for bungalows.

**W f N**

Priority may be awarded under social and welfare grounds where there is an identified housing need not addressed in the banding assessment criteria.

This would include, for example, an applicant who needs to move to a different locality of the District in order to give or receive care or to access specialized medical treatment. The term "welfare" is intended to encompass not only care or support needs, but also other social needs which do not require ongoing care and support, such as the need to provide a secure base from which a care leaver or other vulnerable person can build a stable life.

Housing may consult with Adult Social Care or Children Schools and Families before a decision on priority is made by the Housing team.

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**F**

Members of staff, their close family and elected members who require housing through the Council may apply for housing in the same way as other applicants. Their status should be disclosed on the application form at the time of applying.

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If an applicant who is a member of staff, elected member or a member of their direct family, makes a successful bid for a property, the Head of Housing will be informed and must approve the shortlist letting prior to the formal offer

being made. If the Head of Housing is not available an officer with delegated authority or a member of the senior management team must approve the shortlist.

The 'priority date' is the date that an applicant was placed into their priority band. For some applicants their priority date will be the original date of application. If there are any significant changes in the circumstances of an applicant that may require changes in their priority or bedroom requirements, their priority date will change. However for homeless applicants, the priority date will be the date the Council accepts statutory duty to re-house the applicant.

Where two applicants are placed first and second on the shortlist for a particular property, are in the same priority band and have the same priority date, the property will be offered to the applicant for whom the Housing Options Co-ordinator (CBL and TA) considers the property most suitable.

Any property belonging to Registered Social Landlords (RSL) may hold additional criteria. For details you should refer to the policy of the specific RSL.

#### **f**

All applicants must inform the Council of any change in the information provided on their application form. Changes in circumstances may mean the application will need to be reassessed. Examples of change of circumstances are detailed below, although this list is not exhaustive:

- Household members leaving the household.
- Pregnancy/birth of a child.
- Relationship breakdown.
- Change to the medical circumstances of anyone included in the application.
- Death of a joint applicant.
- Change of address or contact number.
- Change in medical condition.

Please note that if an applicant comes up for an offer and their circumstances have changed and we have not been notified then the offer will be withdrawn.

#### **M**

#### **p f**

The following tenancy management areas fall outside of Part 6 of the Housing Act 1996 and will be managed by Registered Social Landlords:

- Mutual exchanges.

Persons transferring from introductory to secure tenancy in the same property.

Where a secure tenancy is assigned by way of succession to the same property.

Where a secure tenancy is assigned to someone who would be qualified to succeed to that tenancy if the secure tenant died immediately before the assignment.

Transfers that a landlord initiates for management purposes.

In the cases of joint tenants where there is a relationship breakdown and a decision is taken to create a new tenancy for one tenant.

Where court orders are made under one of the following:

Section 24 of the Matrimonial Causes Act 1973

Section 17 (1) of the Matrimonial and Family Proceedings Act 1984

- Paragraph 1 of schedule 1 to the Children Act 1989

### **3 f**

An applicant has the right to:

1. Request general information that will enable the applicant to assess how their application is likely to be treated under the scheme and whether accommodation appropriate to their needs is likely to be made available.
2. Be notified in writing of any decision about whether the applicant is suitable to be a tenant of the Council.

We can arrange a translation service for people who visit the Council Offices. If you need this service, please contact our Housing Needs Department.

### **5**

When an applicant applies for housing, the Council will seek only information that they require to assess the applicant's housing need. They will collect and keep data in accordance with the Council's guidelines on handling personal data. However, the Council may share this information with other landlords who may be able to meet the applicant's housing needs.

As the Council is allocating properties through the Herts Choice Homes scheme information on your application may be shared with other Herts Choice Homes partners (Local Authorities or Registered Social Landlords).

These guidelines are in accordance with the Data Protection Act 1998 that covers both electronic and manual records, and the Act governs everything we do with the data, including collecting, storing, using and disposing of it.

## **6 f**

Information about the applicant shall not be divulged (without consent) to any other member of the public. This applies apart from:

Where the individual who is the subject of the confidential information has consented to the disclosure.

Where the Council is required by law to make such disclosures.

Where disclosure is made in accordance with an information sharing protocol.

## **7 R w**

Decisions under the Allocation Scheme may be taken by officers of the Council who have been given appropriate delegated authority by the Head of Housing. Any discretion shown in the Allocation Scheme as belonging to the Head of Housing may also be exercised by officers of the Council with appropriate delegated authority.

Members of the Council (also known as Councillors) do not make decisions on individual applications under the Allocation Scheme, whether or not they fall into a category prevented by regulation from doing so.

The Council will conduct allocation reviews in accordance with any regulations issued by the Secretary of State. Currently, these require that the review be carried out by an officer not involved in the original decision and who is senior to the officer who made the original decision.

Requests for a review should be made in writing to the Housing Options Team Leader (Housing Supply) within 21 days of the date of the decision.

## **Y w f f w**

That your application does not meet the qualifying criteria to join the Housing Register.

If your application is made non-active.

If your application has been removed from the Housing Register other than by request.

The banding assessment of your application.

Applicants must request a review in writing within 21 days of receiving the decision. The Council has discretion to extend the time limit if it considers this



would be reasonable. An applicant may provide any additional information that they think the Council should take into account when reviewing its decision.

A manager senior to the officer that made the decision and who was not involved in the original decision will carry out the review. The manager will notify the applicant of the decision and the reasons for it within 56 days, unless a longer period is agreed with the applicant.

An applicant will only be entitled to one officer review. If an applicant is still unhappy following the review of a decision, they can request a review of the decision by the Housing Review Panel within 21 days of being notified. The applicant cannot attend but can be represented by a Councillor.

If the Council upholds the decision that the applicant does not meet the qualifying criteria, any further application will be a fresh application.

The suitability of accommodation which is a final offer discharging the Council's homelessness duty.

In this case, the review will be considered at Housing Review Panel. The manager will notify the applicant of the decision and the reasons for it within 56 days unless a longer period is agreed with the applicant.

Please note for reviews of medical decisions please see Section 13.

## **M**

The Allocations of Housing (Procedure) Regulations 1997 (SI 1997 No. 483) restricts a housing authority's elected members involvement in allocations decisions in certain specified circumstances. They prevent an elected member from being part of a decision-making body (i.e. the housing authority or any sub-committee) at the time the allocation decision is made, when either;

the unit of housing accommodation concerned is situated in their electoral ward; or,  
the person subject to the decision has their sole or main residence in the member's electoral ward.

Information on cases referred to the Housing Review Panel is sent to the Housing Portfolio holder after each meeting.

The applicant will be informed in writing of the decision made on review, and the reasons for it.

Reviews for decisions made under Part 7 of the Housing Act 1996 (Homelessness) are outside the scope of this scheme.

The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies. They can be asked to investigate complaints about most council matters including housing.

If a complainant is not satisfied with the action the Council takes, the applicant can send a written complaint to the ombudsman. A complainant must give the Council an opportunity to deal with a complaint first, using its internal complaints procedure.

The Local Government Ombudsman can be contacted at: Local Government

Ombudsman  
10<sup>th</sup> floor Millbank Tower  
Millbank London SW1P 4QP

Telephone: 020 7217 4620 Email: [enquiries@lgo.org.uk](mailto:enquiries@lgo.org.uk) Website: [www.lgo.org.uk](http://www.lgo.org.uk)

pp x U p

Some applicants may not qualify to register for housing with the Council on the basis of unacceptable behaviour.

Where the Council is satisfied that an applicant is guilty of unacceptable behaviour (or a member of the applicant's household) serious enough to make him or her unsuitable to be a tenant, S.160A(7) they will be treated as a non-qualifying person for an allocation of housing.

The test which the Council will use is pp f  
w p , w  
?

It does not matter whether or not the applicant had been a tenant at the time, but whether or not the Council would have been granted a Possession Order if the applicant had been a tenant. If the Council concludes that the behaviour would have warranted a Possession Order they then have to consider whether or not the behaviour makes the applicant unsuitable to be a tenant. For example, would the Court have suspended the Possession Order?

If it is shown that the behaviour has improved, the Council may not consider the applicant as a non-qualifying person.

If the Council decides that the applicant is not a qualifying person then they will be informed of this and the reasons why, in writing.

Under S.167(4A)(d) applicants have the right to request a review under the allocations scheme of any decision as to qualification and a right to be informed of the decision on review and the grounds for that decision.

pp x w

p f p

N p

A pregnant woman or a person with whom she resides or might reasonably be expected to reside.

A person with whom dependent children reside or might reasonably be expected to reside.

A person who is vulnerable as a result of old age, mental illness or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside.

A person aged 16 or 17 who is not a 'relevant child' or a child in need to whom a Local Authority owes a duty under Section 20 of the Children Act 1989.

A person under 21 who was (but is no longer) looked after, accommodated or fostered between the ages 16 and 18 (except a person who is a 'relevant student').

A person aged 21 or more who is vulnerable as a result of having been looked after, accommodated or fostered (except a person who is a relevant student).

A person who is vulnerable as a result of having been a member of Her Majesty's regular Naval, Military or Air Forces.

A person who is vulnerable as a result of:

1. Having served a custodial sentence.
2. Having been committed for contempt of Court or any other kindred offence; or,
3. Having been in remanded in custody.

A person who is vulnerable as a result of ceasing to occupy accommodation because of threats of violence from another person or threats of violence from another person which are likely to be carried out.

A person who is vulnerable for any other special reason, or with whom such a person resides or might reasonably be expected to reside.

A person who is homeless, or threatened with homelessness, as a result of an emergency such as flood, fire or other disaster.

Enquiries will be carried out in all instances.

**pp x**

**R f p f 6 ( )**

The following groups of people must be shown to be given reasonable preference over other members of the public when allocating social housing by the Local Authority

People who are homeless.

People occupying unsanitary, overcrowded or otherwise unsatisfactory housing.

People who need to move for medical or welfare reasons; and,

People who need to move to a particular location – for example, to be nearer to special training opportunities, or special medical facilities – and who would suffer hardship if they were unable to do so.

**pp x F R f**

This relates to applicants who are referred to the Council under arrangements it has with certain referral agencies. Some of these cases may be considered at the Housing Forum. The agencies include.

The Life Hostel.

Young Peoples supported accommodation with Aldwyck (Housing Association) in St Albans.

Care leavers referred by the Independent Support Service.

Emmaus.

Martin House.

Kent House.

Stonham Housing.

**pp x 5**

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**F**

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Vacant properties will be advertised and allocated in accordance with the following priorities

1. Applicants who are in Bands A – D who are aged 60 and over.
2. Applicants who are in Bands A – D who are aged 50 and over.
3. Applicants who are in Bands A to D who are aged 40 and over who do not have a history of anti-social behaviour.
4. If no one meets the above criteria then applicants over 60 in Band E will be considered.
5. From time to time additional criteria may be used e.g. if a property has adaptations that make it especially suitable for an applicant with mobility problems for example. These will be stated in the Herts Choice Home advertisement.



## **Housing Allocations Policy**

**February 2021**

## **Housing Allocations Policy**

### **Lettings Covered by the Allocations Policy**

This Allocation Policy sets out the Council's arrangements for allocating housing accommodation within the meaning of Part 6 of the Housing Act 1996 (the 1996 Act) and related guidance; that is:-

- The selection of applicants to be offered secure, flexible/fixed term or introductory tenancies by the Council.
- Offers of secure, flexible/fixed term or introductory tenancies from other councils, or other bodies able to grant secure tenancies.
- Offers of assured/flexible tenancies from registered social landlords.

### **Equality and Diversity**

The Council is committed to ensuring equal access and allocation of housing. No one will be treated any less favourably than anyone else because of gender, gender reassignment, marital status and civil partnership, race, origin, religion or belief, sex, disability, sexual orientation or age.

The development of a clear and consistent Allocation Policy goes hand in hand with careful monitoring to ensure that housing allocations are fair and seen to be fair by everyone.

It is also important that the Allocation Policy is understood by everyone who is part of it. If you want to receive this policy in an alternative format such as Braille, please email [housing@stalbans.gov.uk](mailto:housing@stalbans.gov.uk). See [www.accessible.co.uk](http://www.accessible.co.uk) for information about access to local facilities.



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## **1. Introduction**

### **Your Home, Your Area, Your Choice**

**1.1** St Albans District Council allocates social housing through Choice Based Lettings (CBL).

**1.2** This document sets out St Albans District Council's Housing Allocations Policy as requested by Part VI of the Housing Act 1996 as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017. Its purpose is to determine the priorities in allocating housing and to set out the procedures to be followed.

The Allocations Policy enables the Council to consider the individual needs of applicants whilst making best use of the limited social housing stock. The policy sets out:

- How properties are allocated.
- How to apply for housing.
- Who is a qualifying person and can be accepted onto the Housing Register.
- Who is not a qualifying person and cannot be accepted onto the Housing Register.
- How priority for housing applicants will be determined.
- How homes will be let.
- How properties will be advertised.

**1.3** Many people who apply for housing will never be allocated a property by the Council because of the shortage of social housing in the District. Even if you have a high housing need it is likely that you will have to wait for a considerable time before you are offered a property.

**1.4** The Council works with other Registered Providers in the District to provide affordable housing. Registered Providers include the Council as well as Housing Associations and when we advertise properties the details of the relevant landlord will be included in the advert.

**1.5** A summary of this Allocations Policy is available on the Council's website at [www.stalbans.gov.uk](http://www.stalbans.gov.uk).

## **2. Aims and Objectives**

The overall aim of the Allocations Policy is to provide a framework for the equitable, effective and accountable allocation of affordable housing in the district. The policy gives priority to those in greatest housing need, but also reflects the wider objectives of increasing choice, promoting stable and sustainable communities and making the best use of the limited housing stock.

## **2.1 The Council's Housing Allocations policy aims to:**

Discharge the Council's statutory duties as contained in Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017.

- Ensure that the allocations and assessment policy is transparent, simple, and easy to understand for all.
- Provide applicants with choice and give reasonable preference to those with the greatest housing need.
- Offer applicants open and fair access to housing and recognise diverse needs.
- Offer applicants a more active role in choosing accommodation, taking account of individual circumstances and waiting time.
- Provide applicants with sufficient information to make informed choices about opportunities for re-housing and understand the criteria and processes adopted by the Council.
- Maximise the use of, and efficiently let, all housing stock available to the Council.
- Promote social inclusion, sustainable communities and ensure that applicants benefit from any future regeneration and development taking place within the district.

## **2.2 Prioritising Housing**

The Council is required by law to give priority to certain groups. These are defined by the current statutory reasonable preference categories which are set out in s.166A (12) of the 1996 Act. These were rationalised in the Homelessness Act 2002 (and further refined by the Housing Act 2004) and are based on housing need.

These groups (reasonable preference categories) are:

- (a) People who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people owed a prevention or a relief duty under the Homelessness Reduction Act, and who have a local connection under Part 7 to the District and those who do not have a priority need for accommodation.
- (b) People who are owed a duty by the Council under s.190(2), s.193(2) or s.195(2) of the 1996 Act or who are occupying accommodation secured by the Council under the Homelessness Reduction Act.
- (c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- (d) People who need to move on medical or welfare grounds, including grounds relating to a disability; and,

- (e) People who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship (to themselves or to others).

As well as the groups the Government says we must help, we have also decided to give priority to social housing tenants living in our district who will release a family-size home so that we can make best use of our housing stock.

### **3. Statement of Choice**

- 3.1** CBL allows qualifying applicants to select properties that they are interested in. The scheme helps applicants make informed choices about where they want to live and the type of property they would prefer.
- 3.2** The Council is fully committed to enabling applicants to play a more active role in choosing where they live by advertising properties and providing feedback through our CBL system.
- 3.3** The Council believes that social housing is one of a range of options available to applicants. Information on all available housing options can be obtained from the Housing Options Team at the Council. You can also access information directly via the Council's website [www.stalbans.gov.uk](http://www.stalbans.gov.uk).
- 3.4** If you do not have an identified housing need you will not be allowed to register for housing unless you are aged 60 or over and have a Local Connection (as defined in this Allocations Policy) to the St Albans District. In these circumstances you will be considered for sheltered accommodation (if you meet the criteria) or properties restricted for applicants aged 60 and over only. In view of this, it is important to consider other housing choices that are open to you. These may include:
- Privately rented housing.
  - Low cost home ownership.
  - Reducing your overcrowding by helping some members of your household move to their own accommodation.
  - Moving to an area of the country where social housing properties are more freely available.
  - Staying where you are but getting help to make your property more suitable for your needs.
  - A mutual exchange (swapping homes with another social housing tenant).
- 3.5** **If you are already homeless or think you may be going to lose your home**, you should contact the Council's Housing Options Team. It is important that you talk to us as soon as possible. We may be able to help you to keep your current home, at least for a time whilst you explore your housing options.

If you are threatened with homelessness the Council will begin a prevention or relief duty with you and will provide assistance to you in finding alternative accommodation. This is likely to be in the private sector. You will be expected to work with the Council to resolve your housing crisis.

#### **4. Links to Other Policies**

The Allocations Policy will work in parallel with a number of other key policies and priorities of the Council and these include the strategies listed below.

- The Homelessness Strategy.
- The Tenancy Strategy
- The Corporate Plan.
- Private Sector Housing Strategy.
- Inclusion Strategy.

#### **5. Monitoring and Review of the Allocations Policy**

The Housing Options Team will monitor the operations of the Allocations Policy by:

- Regularly reviewing policy to ensure that the policy meets its stated objectives and complies with the legislative changes.
- Assessing the impact, if any, that offering choice has upon vulnerable, black and minority ethnic groups and all other groups.

#### **6. Housing Register**

**6.1** Whilst the Council still owns and manages housing stock, it works in partnership with a number of Registered Providers who also provide secure, good quality, affordable rented housing. We maintain a Housing Register and have nomination rights to properties managed by numerous Registered Providers.

**6.2** The Council will operate a Housing Register which will include all applicants who apply and are approved for Social Housing. Lettings will only be made from the Housing Register. The Housing Register includes tenants of St Albans District Council and from Housing Associations.

#### **7. Who Can Apply to Join the Housing Register?**

To join the Housing Register, applicants must be a qualifying person. In order to be a qualifying person, applicants must meet all the qualification classes set out below:

- Be aged 16 years of age or over, although you cannot hold a tenancy until you are 18. Not be subject to immigration control or be an applicant from abroad unless the applicant is a 'qualifying person' as described by law.
- Be habitually resident in the common travel area (England, Scotland, Wales, Ireland, Channel Islands and the Isle of Man).
- Have a local connection to the St Albans area. Full details of Local connection are given at 7.6.

- Have an identified housing need that would place you into Bands A-D (unless aged 60 and over and applying for sheltered or properties restricted for those aged 60 and over).
- Have no history of unacceptable behaviour.
- Not have the financial resources to resolve your own housing need (Refer to Section 12 for income and capital thresholds)

## 7.1 Unacceptable Behaviour

Applicants may be excluded from joining the Housing Register if the applicant or a member of their household is responsible for unacceptable behaviour serious enough to make them unsuitable to be a tenant.

Unacceptable behaviour is defined as behaviour which would entitle a landlord to seek a Possession Order or Closure Order against them. Examples of such unacceptable behaviour include:

- Previous or current rent arrears.
- Breaches in your tenancy agreement.
- Previous or current property damage.
- Harassment or anti-social behaviour.
- Any relevant criminal activity.
- Fraud.

**Please note that this list is not exhaustive** and applies regardless of who your landlord was at the time the unacceptable behaviour took place.

You did not (do not) have to be a secure tenant of the Council (or any Council or Registered Provider) at the time and neither does an eviction have to have taken place.

When making decisions regarding unacceptable behaviour the Council will consider:

- When the unacceptable behaviour took place. Consideration will be given to the length of time that has elapsed and whether there has been any change in circumstances.
- What action the landlord would have taken against the perpetrator of the unacceptable behaviour. The behaviour must be serious enough for the Council to be granted a possession order.
- Whether the unacceptable behaviour is due to a physical, mental or learning disability.

St Albans District Council, its partner landlords and the residents of St Albans have a right to expect certain standards of behaviour. Therefore, before you are accepted onto the Housing Register or made an offer of a property, we may seek certain references to see if you qualify to join the waiting list and will be a suitable tenant of the Council.

Any household can be removed from the register for unacceptable behaviour, not only those who were previously a Council or Registered Provider tenant.

## **7.2 Notifying a Non-qualifying Applicant**

If the Council decides that an applicant does not meet the qualifying criteria to register for housing, they will be notified in writing and be given clear grounds for the decision. Applicants have a right to request a review of the decision. Details of how to do this are given in section 25.

If your circumstances change and you think that you may meet the qualifying criteria to register for housing, you can make a new application.

If you have rent arrears, you will only qualify to join the Housing Register in special circumstances. This decision will be made at Principal Officer level or above. If, once you are registered, you fall into rent arrears your application will be suspended and if your arrears are not cleared within 6 months then the application will be removed unless there are exceptional circumstances. You may make a new application once your rent account is clear. In making this decision we will take into account the level of arrears and how these have accrued.

Transfer applicants (social housing tenants-please see 8.12 for definition) who apply to move to a smaller property with rent arrears will not necessarily be excluded from making a transfer application. In making this decision we will take into account the level of rent arrears and how these have accrued.

If the Council decide that you do not qualify to appear on the Housing Register, we will contact you to explain the reason. Applicants have the right to request a review of this decision. See Section 25 which covers reviews.

## **7.3 Keeping Applications Up to Date**

All applicants must keep their housing application up to date via our CBL system when their circumstances change. Any changes in priority or bedroom requirements will date from when the information, including supporting evidence is received. It is the responsibility of the applicant to inform us if their circumstances change and to provide us with up to date contact details. Failure to notify the Council of a change of circumstance may result in an offer of a property being withdrawn.

## **7.4 Cancellation of Applications**

Applications may be cancelled for one or more of the following reasons:

- (a) The applicant requests cancellation.
- (b) The applicant's circumstances change and they no longer meet the qualification criteria.
- (c) The applicant fails to provide the verification documents as requested by the Council within the timescale requested.
- (d) The applicant is found to have made a false or deliberately misleading statement in connection with their application.
- (e) The applicant is re-housed by a registered landlord (Council, Housing Association, ALMO etc.)
- (f) The applicant has not bid for a period of 6 months or longer.



- (g) Applicant provides false or inaccurate information.
- (h) The applicant is rehoused by a Registered Provider.

Please note this list is not exhaustive.

When an application is cancelled, we will contact the applicant or their representative at their last notified address to notify them. Where an applicant has been highlighted as vulnerable, the Council will also try to contact the applicant by telephone or visit to check their circumstances before cancelling the application.

Any applicant whose application has been cancelled has the right to ask for a review of the decision. This must be made in writing and within 21 days of the decision and state the reason why they believe the decision should be reviewed.

Where an applicant wishes to re-join the Housing Register at a later date their new date of registration will be the date they re-apply and provide the evidence to support their application.

If it is proven that an official error occurred or the applicant was unable to respond due to exceptional circumstances, we will reinstate the applicant on the register with their original registration date.

## **7.5 Reinstatement of Applications**

Applicants may be reinstated to the Housing Register on submission of written reasons confirming why their application lapsed. Requests will be considered on their merits by the Housing Options Team Leader (Housing Supply).

## **7.6 Local Connection**

Applicants must demonstrate that they have a local connection to be considered for registration on the St Albans Council's Housing Register. For an applicant to be considered as having a local connection to the St Albans Council's district they must qualify under one or more of the following grounds:

- Applicant or joint applicant's usual residency is in St Albans District by the applicant's choice. This must have been for a minimum period of 3 consecutive years immediately prior to applying for housing. Please note applicants without a fixed abode will not be considered to meet the residency requirements.
- The applicant is an existing social housing tenant in St Albans District.
- Applicants with a housing need that can demonstrate a local connection through close family living in St Albans will be considered eligible under special circumstances only. Close family includes parents, brothers, sisters, sons or daughters who are over 18 and they must have lived in the district for the last 10 years immediately prior to the housing application being made.

- Where the Council agrees that there are special circumstances. To qualify for consideration under special circumstances the household need to have a situation that is, for the most part, a set of circumstances that places the household in greater risk of harm and hardship than others in a similar situation already on the St Albans Council's register. It also includes where the Council has accepted the full Part VII housing duty and the person does not fulfil the Part VI local connection. Any approval will be signed off by a manager at Principal Officer level or above.

Please note that applicants who meet the criteria below do not need to demonstrate a local connection to the St Albans District.

- A member of the regular forces or someone who has served in the regular forces within 5 years of the date of applying for housing.
- Has within the last 3 years ceased to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner and that the death was wholly or partly attributable to that service.
- Is currently serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.
- Divorced or separated spouses or civil partners of regular forces personnel who need to move out of accommodation provided by the Ministry of Defence.

## 7.7 Suitability Test

Not everyone who applies to join the housing register will be accepted. When an application is registered, or while it remains on the housing register the Council may suspend the application or withdraw any offer of accommodation.

Applicants who are not considered suitable will have their application rejected or suspended. We will give due consideration on a case by case basis in the following circumstances:

**Applicants have Rent Arrears:** If you are a tenant with rent arrears, you will only be accepted onto the Housing Register in special circumstances agreed at Principal Officer level or above.

**The Applicant has neglected or caused damage to Property:** The applicant and/or member of their household owe a debt to the Council, Registered Provider or Private Landlord from a tenancy or licence agreement, because of damage to the property. Their application will be not be accepted until the debt has been paid in full. If the applicant's property is in a seriously neglected condition through the fault of the applicant, the application will be not be accepted until the condition of the property is brought up to an acceptable standard or any debt incurred is paid in full. This will include cases where the applicant has carried out unauthorised structural works to their property.

**Applicants have received funding for Aids & Adaptations:** The applicant has applied for and has been granted funding for aids and adaptations to the property valued at £1,000 or more, or the adaptations were carried out in the previous 5-year period.

**Applicants are guilty of causing criminal or Anti-Social Behaviour:** The application will be refused if the applicant's and/or a member of their household's behaviour affects their suitability to be a social housing tenant. This will be decided on a case by case basis.

The application will also be refused if any member of the applicant's household has assaulted or harassed an employee or agent of the Council, a Housing Association or a private landlord and this was either:

- Proven by their convictions for an offence which happened during the tenancy; or,
- Backed up by evidence which would have been presented in a court action for possession of the tenancy, if the tenancy had not ended before the court action could be taken.

### **Active applications**

In order to bid for a property through our CBL system, or to receive an offer of accommodation, your application will need to be active. There may be situations where the Council could suspend your application.

### **Applicants will normally be suspended in the following circumstances:**

- **Change of circumstances:** A change of address or a change to the household will require your application to be reviewed. Whilst it is under review your application will be in a suspended status.
- **Current rent arrears:** If you are currently in rent arrears or if your account falls into arrears your application may be suspended. A date will be set to review the situation, however, if you pay the arrears before the review date it is your responsibility to let the Council know.
- **Applicant is held in HM prison:** Applicants will have their applications made inactive until a period of 1 month before their release date, and official confirmation of this date will be required. If they do not have accommodation they may apply as homeless.
- **Applicants are serving Members of HM Forces:** Applications will be made inactive until a period of 3 months before their discharge date, and official confirmation of this date will be required. Those who occupy married quarters will also be required to submit confirmation that they are no longer entitled to occupy the married quarters.
- **Applicant is residing in supported accommodation:** In these cases, applicants will have their application made inactive until confirmation is received that the applicant has completed the necessary support programme and is ready for move on to independent accommodation.

## **7.8 Exclusions from the housing register or suspending an application**

When the Council makes a decision to exclude an application or suspend it, we will give:

- The reasons for making an application inactive or excluding the applicant from the register.
- The date the inactive application will be reviewed.

## **7.9 Inactive Application/Excluded Applicant Reviews**

Applicants have the right to request a review of the decision to make an application inactive or not to accept an applicant onto the register. Please refer to section 25.

## **8. How to Apply to Join the Housing Register**

- 8.1** To apply to join the housing register applicants are required to complete a housing application form online. This can be accessed via the Council's website [www.stalbans.gov.uk](http://www.stalbans.gov.uk).
- 8.2** If you have any difficulty completing your application and uploading supporting documentation, please contact the Housing Options Team.
- 8.3** An application may include anyone that may reasonably be expected to live with the applicant as part of their household (See 8.8).
- 8.4** You can only have one application for housing with St Albans either as a main/joint applicant or included as a member of the household in another application.
- 8.5** On receipt of the application form, the Council will aim to assess the application within 4-6 weeks. The Council will request additional information so that the applicant's eligibility, suitability and housing need can be confirmed. The Council will verify the information provided which may include inviting the applicant for an interview at the council offices or conduct a home visit. Please note home visits may be unannounced.
- 8.6** The Council's policy is to ask all applicants and people listed as part of the application form to provide independent documentary proof of the following when assessing their eligibility to join the housing waiting list. For each person on the application, including the applicant(s) the following documents are required:
- Proof of identity - Full birth certificate or passport. Full birth certificates for children included as part of the household.
  - Where applicable passport and/or Home Office letter which shows residency status in the United Kingdom.
  - Marriage certificate (where relevant).
  - Adoption/foster certificate confirming main residency of any children in your application.
  - Proof of address – e.g. tenancy agreement/utility bill.
  - Ownership/financial interest in all other properties either in the United Kingdom or abroad.
  - Proof of income – e.g. benefit letters/wage slips for all adults included in application.
  - Proof of pregnancy (where appropriate).

- Photos of all people on the application that are aged 16 and over.
- Any other documents requested.

**8.7** After assessment the Council will contact the applicant confirming:

- Whether the applicant meets the qualifying criteria to register for housing.
- The priority band in which the application has been placed.
- The date that the application was placed in the priority band i.e. the 'priority date'.
- How to have a decision reviewed.

The Council will ensure that advice and information is available free to everyone on how to apply for housing.

Applicants must provide the documents that are requested when completing an application form. If these documents are not received then we may contact you on the methods provided in your application to request these. If the documents are not received within 14 days, then the application will be closed.

Applications will not be registered until all the documentary proof has been received. The registration date will be the date the fully completed form along with all the required documentary proof is received by the Council.

**8.8 Who Can be Considered as Part of the Applicant(s) Household?**

In most cases only someone who is living with the applicant(s) as part of their household on a permanent basis at the date of registration or children born after registration, can be included in the application.

We assess the size of property you require based on who is included on your application. You can include only members of your immediate family who normally live with you or other people who have an extenuating need to live with you.

**You can only include:**

- Yourself and your partner.
- Your children or your partner's children, if they are aged under 25 and have lived with you permanently.
- Carer, if you require overnight waking carers as assessed by Adult Care Services. Evidence must be provided and agreed by the Council that this is needed. In these instances, Flexi Care will be considered in the first instance to satisfy an applicant's housing and care needs.

- Dependent children (under 18) joining the household, where it can be proved that the applicant is the sole legal guardian, will be considered as part of the household if they have lived as part of the family for a minimum of 12 months and the child has not been removed out of suitable accommodation where it would be reasonably expected that the child could continue to reside. Where there has been an involvement of Children's Social Services the Council can exercise its right to waive this period.
- Dependent adult relatives who have joined the household because they are unable to live independently may be considered as part of the household. This will generally be because of age, disability or for medical reasons. Such cases may be referred to the Council's independent medical adviser and/or the Council's Housing Review Panel. In these instances, Flexi Care will be considered in the first instance to satisfy an applicant's housing and care needs.
- Immediate family does not include you or your partner's
  - parents or step parents,
  - grandparents,
  - brothers or step brothers,
  - sisters or step sisters,
  - aunts,
  - uncles,
  - grandchildren,
  - nieces,
  - nephews,
  - cousins,
  - friends,
  - lodgers

unless they have an extenuating need to live with you. Non-dependant adults, whether related or unrelated, are generally expected to make their own housing application.

If you have adult children aged 25 or over, or children with their own family, living at home, they may apply to the Housing Register in their own right, but they may have more chance of success in moving to a property in the private sector.

If you are a transfer tenant living in the St Albans district (see 8.12 for definition) that is under occupying and looking to move to smaller accommodation, you may include children aged over 25 if they have always lived as part of your household.

A person can only be included on an application once, either as an applicant or as a member of a household. For example, a person cannot be included as the son/daughter of an applicant and also make their own housing application for housing.

**The following household applicants cannot be included in an application:**

- Friends, lodgers, sub-tenants and any other adults not listed above wishing to be included in order to share accommodation with the applicant.

- Anyone who has moved into the current property and caused the household to be overcrowded.
- Anyone who does not intend to move to any accommodation offered to the applicant(s) or does not intend to live with them permanently.
- Children that have a permanent place of residence elsewhere and visit the applicant as part of access or shared residency arrangements.

Such people will be disregarded for the purpose of assessing any overcrowding priority and the size of property that the household requires.

## **8.9 Joint Applications**

For a joint application both of the applicants have to qualify for housing.

## **8.10 Civil Partnerships**

Civil partners will have equal treatment with married couples in the Allocations Policy, including:

- Parental responsibility.
- Protection from domestic violence.
- Immigration and nationality purposes.

## **8.11 Date of Registration**

The registration date of an application will be the date the application is completed with all the requested documents provided. As forms are usually completed over the internet, the date that all relevant documentary proof is supplied will be the date of registration.

## **8.12 Homeseeker/Transfer Applicants**

Applicants will be registered as a 'homeseeker' if they are an applicant on the Housing Register or are tenants of Housing Associations outside the St Albans District or Local Authorities outside of the St Albans District.

Applicants will be registered as a Transfer applicant if they hold a tenancy with St Albans Council or have a tenancy for a property within the St Albans District that is owned by a Housing Association.

Please note that applicants applying from intermediate rent, shared ownership, keyworker and London Strategic Housing properties will not be registered as Transfer applicants.

## **8.13 Right to Move**

The Council is committed to providing access to housing accommodation to existing social housing tenants seeking to transfer from another Local Authority district in England who:

- Meet a required priority category because of a need to move to the District to avoid hardship; and

- Need to move because the tenant works in the District, or needs to move to take up an offer of work.
- The Council must be satisfied that the tenant needs, rather than wishes, to move for work related reasons (voluntary work is excluded, however apprenticeships are included). Items to be considered will include:
  - The distance and/or time taken to travel between work and home; (travel time less than 90 minutes will be deemed as acceptable and applicants will not be considered).
  - The availability and affordability of transport, taking into account level of income;
  - The nature of the work and whether similar opportunities are available closer to home;
  - Other personal factors, such as medical conditions and childcare, which would be affected if the tenant could not move;
  - The length of the work contract (more than 12 months and 16 hours or more a week); and
  - Whether failure to move would result in the loss of an opportunity to improve employment circumstances or prospects e.g. by taking up a better job, a promotion or an apprenticeship.

When a tenant has been offered a job and needs to move to take it up, they must be able to demonstrate a genuine intention to take up an offer of work. The Council will need to verify evidence that confirms the intention, which could include:

- A contract of employment;
- Wage/salary slips and/or bank statements (particularly relevant for zero hour contracts);
- Tax and benefit information; and,
- A formal offer letter.

**The Council may contact the employer to verify an application at the point of joining the Housing Register and also when considering an offer of a property.**

The Council will also provide additional priority to applicants satisfying the above criteria (please see 'Right to Move priority').

The Council will publish the number of allocations to applicants who are successful with the 'Right to Move'. The Council will aim for a minimum of 1% and maximum of 1.5% of annual allocations in the District to be made to applicants who have the 'Right to Move' in line with statutory guidance. This will be reviewed and revised as appropriate.



## 8.14 Armed Service Personnel

In accordance with the Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 additional priority will be awarded to eligible applicants who can demonstrate that they meet one of the following criteria.

- Is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- Formerly served in the regular forces.
- Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and that person's death was attributable (wholly or partly) to that service serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.
- These relevant applicants that have an identified housing need under our Allocations Policy will be awarded additional priority to place the applicant in the next highest band above the band that their assessed circumstances would otherwise warrant (unless in the highest band). This award will be approved at Principal Officer level or above.

## 8.15 Verification

Applicants must have their circumstances checked if they make a successful bid or are well placed on a shortlist for a property. Applicants will be verified to confirm that the banding that was awarded based on their housing need is correct and that they still qualify for an offer of housing. We may carry out a home visit and this may be unannounced. All applicants will be required to supply the following documents. **Please be aware that these documents must be originals:**

- Proof of identity and residence for all persons included on the application.
- Proof of eligibility. e.g. Home Office letter or passport where applicable.
- Proof of income or benefits.
- Proof of any savings and/or investments and at least 3 months' worth of bank statements for all accounts held.
- Proof of entitlement to reside in the United Kingdom and eligibility for an offer of social housing.
- Proof that a local connection to the District still exists.
- Proof of any medical condition.
- Other proof as considered appropriate by the Council.

For applicants who do not have any settled accommodation we will try to visit at the address/location provided on their application. We may also conduct an interview in the Council Offices.

If the applicant has successfully bid on a property, they will be contacted by telephone or via their CBL portal account. The offer of accommodation is subject to the verification of the applicant's circumstances. If the applicant's circumstances have materially changed or cannot be satisfactorily verified or there is a discrepancy between the information provided and the information we have regarding the application, the offer will be withdrawn, and the application will be suspended.

If the requested verification documents are not submitted within 48 hours of the request, or the applicant is not available or refuses a home visit within 48 hours the applicant will not be considered for the tenancy and the offer will be withdrawn. Should the applicant no longer qualify for an offer or to be included on the Housing Register, they will be notified of the decision and the reasons in writing. The property will be offered to the applicant next on the shortlist. Applicants have the right to ask for a review of the decision. This request must be made in writing within 21 days of receipt of the original decision and must include reasons for requesting the review.

Verification may be carried out by the Council or the relevant Housing Association.

#### **8.16 False Statement and Withholding Information**

It is the responsibility of every applicant to provide necessary information and documents that will assist the Council in carrying out enquiries into the housing application.

It is an offence (under Section 171, Housing Act 1996), for an applicant to knowingly or recklessly provide the Council with information that is materially false or deliberately withhold or misrepresent their housing circumstances.

The Council will consider legal proceedings against the applicant and support any application by a landlord to gain possession of accommodation gained by providing false or withholding information that may have affected an applicant's priority on the Housing Register.

Please note that we do carry out verification checks on the information you provide with other agencies, housing providers, and credit checking agencies and any inconsistencies will result in an application being suspended whilst an investigation is carried out. No further offers will be made while the application is suspended and if you are under offer for a property this may be withdrawn.

#### **8.17 Deliberately Worsening Circumstances**

If the Council is satisfied that an applicant has worsened their circumstances they will be assessed based on their circumstances before the situation changed. If they did not have an identified housing need prior to their change in circumstances then their application will be cancelled. It may include the following:

- An applicant moving from accommodation that was available for their occupation that was suitable or more suitable for them than the accommodation they have moved into and which it was reasonable for them to continue to occupy.

- Homeowners who have transferred their property to another family member within the last 10 years from the date of application.
- Applicants who have disposed of or deprived themselves of assets which reasonably could have been used to secure housing within the last five years from the date of application.
- Applicants who have moved family members or others into a property unsuitable for their needs when suitable accommodation was being occupied by them elsewhere.

## **9. Assessment of Housing Need**

All applicants aged under 60 years of age must have an identified housing need and Local Connection (as defined in 7.6) to register for housing. This is due to the limited supply of affordable housing and the unrealistic expectations raised by registering applicants that do not have an identified housing need. Applicants will be placed in a housing needs band between A and D. Applicants that do not have an identified housing need will be able to access housing advice from the Housing Options Team.

Single applicants or couples aged 60 and over with a local connection to the St Albans district but without a housing need will be placed in Band E. This band will be for those aged 60 and over without an identified housing need applying for sheltered and age restricted housing only

All applicants will be placed in a housing needs band following an assessment of their household's needs. Documentary proof will be required and if not provided within the requested timescales, the application will not be processed.

The Council will work with the applicant, their advocates and our partner agencies to provide this advice and assistance.

Applicants registered for housing must be prepared to make bids within the CBL scheme and make appropriate choices in the context of the local social housing availability within the district and balance this against the urgency of their own situation.

### **9.1 Housing Needs Bands**

Applicants will be placed in one of four priority housing needs bands. Applicants in Band A will have the highest priority, applicants in Band D the lowest priority. If an applicant is applying for sheltered or age restricted accommodation, they will be placed into Bands A-E.

The assessment will be made in order to meet the requirements of the Housing Act (1996) as amended by the Homelessness Act (2002) and other government guidance whilst making best use of the housing nominations being made available to the Council including nominations to a RSL or other housing provider. Properties will be offered to applicants based on the following priorities:

1. Property Eligibility – does the applicant meet the requirement for the property as outlined in the advert including bedroom entitlement.

2. Priority Banding
3. Priority date (when registration into the current priority band took place).

Adapted properties advertised will be matched with applicants who need that type of adapted property whenever possible.

There is a very severe shortage of Council and Housing Association homes in St Albans District and all applicants are advised to consider other housing options.

For some properties a Local Letting Scheme will be in place and properties will be offered to applicants based on the priorities of that scheme (see section 10.5).

The examples given below are given only as a guide.

<b>Priority Band</b>	<b>Description of housing need</b>
	Applicants will be placed in Band A in circumstances where the applicant's current property poses a significant risk to life or health, and immediate re- housing is required. Applicants in Band A will be offered time-limited bidding and/or a direct let. All Band A applications will need to be verified before their application is made live
<b>Band A</b>	<b>Over-riding Medical Need</b> Applicants with an over-riding medical priority awarded by the Local Authority. The Council may consult an independent medical adviser but the final decision rests with the Council. The applicant's medical condition will be such that it is being so severely and adversely affected by their current housing situation as to warrant an emergency move. This property may be agreed at the Housing Review Panel or by at least two of the senior management team.
	<b>Over-riding Social/Welfare Need</b> Applicants with an over-riding social/welfare priority. The applicant's social/welfare needs will be such that those needs are being so severely and adversely affected by the current housing situation as to warrant an emergency move. This priority may be agreed at the Housing Review Panel or by at least two of the senior management team.
	<b>Imminent Danger</b> Applicants needing to move urgently where there is a serious imminent personal risk if they remain. This will be where there is a threat of death or injury. This will need to be supported by corroborating evidence from the Police. This priority may be agreed at the Housing Review Panel or by at least two of the senior management team.
	<b>Transfer tenants moving from 3 bedrooms or larger to 1-bedroom accommodation.</b>

	<p><b>Applicant succeeding to a Tenancy</b> Where an applicant has succession rights to a tenancy after the death of a tenant, the applicant may be required to move to alternative housing in line with their assessed housing needs. In processing requests for succession to a tenancy the Council recognises civil partnerships as conveying legal rights and recognition of a relation for same sex couples. Time limited bidding and/or a direct offer may be made.</p>
	<p><b>Releasing a property in need - Applicant releasing an adapted property</b> The property has major adaptations, and there is a current need for a property with that adaptation. Whether the property is considered to have major adaptations is decided by the Aids and Adaptations team</p>
Applicants placed in Band B are deemed to need re-housing urgently. Applicants in the following situations and circumstances will be placed in this band.	
<b>Band B</b>	<p><b>Applicants suffering from harassment</b> All cases of harassment will, in the first instance, be dealt with through the respective landlords' Harassment or Anti-Social Behaviour Policy.</p> <p>A recommendation for transfer can be made by the applicant's social landlord or through the SADC's Community Safety Team.</p> <p>Where this priority refers to a transfer (Council and Housing Association tenants living in St Albans District) and the applicant is the victim of anti-social behaviour, this will be a property of a size that is appropriate for the applicant's housing need.</p>
	<p><b>Homeless households (Main homelessness duty owed)</b> A statutory duty is owed where the authority is satisfied that the applicant qualifies for assistance, falls within a specified priority need group, is unintentionally homeless, and has a local connection with the authority (except where fleeing violence or harassment). A direct offer will be made. This offer can be an offer of a privately rented property.</p>
	<p><b>Urgent Medical Need</b> Applicants with an urgent medical priority awarded by the Local Authority. The Council may consult an independent medical adviser but the final decision rests with the Council. This includes cases where the applicant's medical condition will be such that adaptations are required at the current property but the need to carry out adaptations could be avoided or reduced by a move to more suitable accommodation. This will be approved by two members of the senior management team or one member of the senior management team and one Housing Options Team Leader.</p>
	<p><b>Urgent Social/Welfare Need</b> The applicant's social/welfare needs will be such that, should the applicant be moved to a more appropriate property, this will be improved by alternative accommodation. This will be approved by two members of the senior management team or one member of the senior management team and one Housing Options Team Leader.</p>

	<p><b>Nominations and Move-on Arrangements</b></p> <p>Applicants referred to St Albans District Council under arrangements with certain referral agencies. These applicants will be made one offer of accommodation and will not be able to place bids themselves once they have been approved for Move On.</p>
	<p><b>Transfer tenants that are under occupying 2-bedroom accommodation and moving to 1-bedroom accommodation or transfer tenants that are under occupying and moving in line with their housing need to accommodation larger than 1 bedroom, e.g. 4 bed to 2 bed or 3 bed to 2 bed.</b></p>
	<p><b>Applicants with composite housing needs from Band C</b></p> <p>This band also recognises applicants with a composite housing need. To qualify to move to Band B, an applicant should be assessed as having a high medical need or have two or more bedrooms lacking plus at least one other factor from the list under Band C.</p>
<p>Applicants placed in Band C are deemed to have a high need to move. Applicants in the following situations and circumstances will be placed in this band.</p>	
<b>Band C</b>	<p><b>High Medical Need</b></p> <p>Applicants with a high medical priority awarded by the Local Authority. The Council may consult an independent medical adviser but the final decision rests with the Council. The applicant's current accommodation will be deemed as not appropriate for their medical needs.</p>
	<p><b>High Social/Welfare Need</b></p> <p>Applicants with a high social/welfare priority awarded by the Local Authority. The applicant's current accommodation will be deemed as not appropriate for their social/welfare needs. Priority awarded by at least one member of the senior management team.</p>
	<p><b>Applicant is assessed as lacking two or more bedrooms</b></p>
	<p><b>Applicants releasing a 1-bedroom general needs property (only Council or Housing Association tenants living in St Albans District)</b> An applicant releasing a 1-bedroom general needs property will be placed in Band C if they require sheltered accommodation or elderly designated accommodation only.</p>
	<p><b>Applicants with composite housing needs from Band D</b></p> <p>This band also recognises applicants with a composite housing need. To qualify to move to Band C an applicant should be assessed as having either recognised medical need or lacking one bedroom plus at least one other factor from the list under Band D.</p>
<p>Applicants placed in Band D are deemed to have a recognised need to move. Applicants in the following situations and circumstances will be placed in this band.</p>	
<b>Band D</b>	<p><b>Recognised Medical Need</b></p> <p>Applicants with a recognised medical priority awarded by the Local Authority. The Council may consult an independent medical adviser but the final decision rests with the Council.</p>

	<b>Recognised Social/Welfare Need</b> Applicants with a recognised level of social or welfare need as assessed by the Local Authority.
	<b>Financial Hardship</b> Applicants will be awarded Band D priority where the Local Authority deems a move would help address exceptional financial hardship. Where an applicant feels they will qualify for Band D priority due to exceptional financial hardship, they should approach the Local Authority for further guidance. In order to assess this, applicants will need to complete a financial disclosure form.
	<b>Reasonable Preference</b> This category includes other homeless applicants who are not owed a full duty under Part VII of The Housing Act 1996, but are owed a prevention or a relief duty in accordance with the Homelessness Reduction Act 2017.
	<b>Unsatisfactory Conditions</b> Applicants will be awarded Band D priority where it is determined by the Local Authority that they are living in unsatisfactory conditions. This will have to be assessed by the Housing Department.
	<b>Applicants lacking one bedroom</b> This includes applicants that apply from 1-bedroom accommodation with a child under 2.
	<b>Applicants who need to move to a particular area in the District due to work</b> , where failure to meet that need would cause hardship, and they meet the qualification criteria for Right to Move.
	<b>Assisted private sector housing</b> where a household has been either on or eligible for the housing register and have been assisted by the Council by way of the Council's Private Rented Sector access scheme, the household be allowed to remain on the housing register for up to 2 years from the date the tenancy started.
	<b>Insecure accommodation</b> Applicants who have been housed with immediate family members for more than 5 years in the district, but where the applicant's continued residence in the property is unstable. This will be provisional on the family members agreeing to allow the applicant to remain in the property for more than 6 months.
Applicants placed in Band E are not deemed to have an identified need to move. Applicants in the following situations and circumstances will be placed in this band.	
<b>Band E</b>	Applicants aged 60 and over with a local connection but without an identified need that are applying for sheltered or age restricted housing (60 years and over).

## 9.2 Appropriate use of bedrooms

The assessment of overcrowding in an applicant's home, whether they are the tenant or just a permitted occupant, will be based on the best use of bedrooms in the property. This will be assessed by the Council when assessing your housing application. This may mean that an applicant is expected to use a smaller bedroom in favour of their dependent children residing in a larger bedroom. In considering this, the Council will consider the bed spaces required in the household, and the bedrooms and size of bedrooms available for the household to use.

### 9.3 Time limited bidding

All priority Band A (Emergency Need) cases and some categories of priority Band B (does not apply to under occupying social housing tenants living in the St Albans District area) will be subject to time-limited bidding and/or direct lets. Applicants offered time limited bids will be given a period of time in which to place their own bids before we review their case. In determining the timescales given to bid we will consider the individual merits of the case. This acknowledges the urgency of the situation, both for the applicant and for the Council. All cases will be monitored closely throughout this period. After 4 cycles each case will be reviewed on its own merits, and a decision will be made as to whether:

- The applicant should lose their emergency status if the circumstances under which they were placed in band no longer apply and they should be reassessed and placed in a lower band.
- The Council should allow the applicant to remain in the band until a further review.
- The Council should make one direct offer of accommodation before re-assessing the applicant and placing in a lower priority band.

During the initial period applicants will be expected to bid for any suitable advertised properties. The Council will monitor this and if applicants do not make bids on properties the Council considers suitable, the Council will make bids on the applicant's behalf during the initial period if the applicant has not. If applicants require help with bidding they should request supported bidding by contacting the Housing Options Team.

Applicants must consider different property types (houses or flats) from those they currently occupy. This means that applicants will sometimes need to compromise on their ideal choice of housing in order to achieve the urgent move they need. It will not always be possible to meet all their aspirations within the time available.

In conducting the review, the Council will take into consideration the questions posed below.

- Have there been any properties advertised that would have met the applicant's need?
- If so, have they bid for them?
- Why have they been unsuccessful?
- Do they have a specific need for a property that has not been available and no other property will resolve their housing need? For example, do they have a disability and need a ground floor property in a specific area so they can get family support?
- Have they received appropriate support and help in accessing the Choice Based Letting scheme?
- Have the applicant's circumstances remained the same?



- Is the applicant holding out for something that is unlikely to become available in a reasonable timescale, even though their need could be resolved by a more readily available property?

If the Council decides not to extend the period for bidding, the Council will make a final offer by making a bid on behalf of the applicant and, if successful, offer the property to them. If the applicant refuses this offer they will be moved to a lower priority band. **The Council can discharge its housing duty to homeless applicants if they do not accept their final offer.**

#### 9.4 Accepted Homeless Households

Where the Council accepts a duty to rehouse a homeless household they will be made a direct offer of accommodation. This means that once an applicant has had their case approved they will no longer be able to place bids through the CBL system. One offer of accommodation will be made to the applicant which may be a direct offer and may be the result of an assisted bid placed on their behalf. If an applicant is unhappy with the offer then they have the right to request a review. See section 27.

Please note that if you are a household with one child under 2 then your direct offer may be to a 1-bedroom property or a 2-bedroom property.

Accepted homeless households may also be offered a property in the private rented sector. These tenancies will be for a minimum for 12 months.

Applicants will generally be offered accommodation in the order of their priority date within band and bedroom requirements. However, there may be exceptions to this depending on the requirements of the applicant and the suitability of accommodation.

### 10. How the Council Allocates Accommodation

The Council allocates accommodation via a Choice Based Lettings scheme. Applicants' housing priority will be assessed and applicants will be placed in a priority band A – D (unless aged 60 and over applying for properties that are sheltered or restricted for those aged 60 and over – these applicants will be placed in Bands A-E). Within the priority bands, the length of time an applicant has been waiting will be the deciding factor in determining who is rehoused unless a local lettings policy applies when the priority will be determined by the local lettings policy.

We advertise available properties, inviting applicants to bid for them. By “bid” we simply mean apply for the property.

A proportion of properties will be prioritised for transfer applicants. This in turn creates vacancies which are advertised.

Up to 50% of 3 bed properties will be prioritised for transfer applicants (see 8.12). Of this 50% of prioritised for transfers, up to half will be advertised for transfer applicants (see 8.12) in Band D.

Up to 25% of 2-bedroom properties will be prioritised for transfer applicants. Of this 25%, up to half will be prioritised for Band D transfer applicants only (see 8.12).

The Council will also prioritise up to 20% of 2-bedroom properties for applicants that are in Bands C and D. This offers applicants in these reasonable preference groups the opportunity to secure accommodation. This is applicable for both homeseekers and transfer applicants.

Up to 10% of properties will be prioritised for applicants who are in employment. Applicants will need to demonstrate that they are currently employed and have been employed on a permanent basis for a minimum of 12 months in the District, working 16 hours or more a week. Consideration will also be given to those on zero hours contracts. **In special circumstances the Council will give consideration to those who are unable to work.**

Additionally, some of the properties may be advertised for a particular group of applicants. This will be done in order to achieve best use of the housing stock or to comply with planning conditions. Examples include properties where there are disabled adaptations, larger 3-bedroom, 2 living room properties, supported housing schemes, sheltered housing, elderly designated properties and properties where a local lettings policy applies. This list is not exhaustive. Any criteria will be listed within the advert.

Where the property advertised is a Housing Association property any offer will be subject to the applicant meeting the Allocations Policy of the Housing Association.

## **10.1 Bid Types**

The majority of bids will be made by the applicant. However, in certain circumstances the following may apply:

**Auto bidding** – There may be a number of reasons why an application might have auto bid applied to their application. Auto bidding is where the Council will bid on behalf of the applicant.

An applicant may be vulnerable and have no third party identified to assist them. It also usually applies to applicants in band A or B. For homeless cases this will count as a final offer and for succession cases this will count as a formal offer.

The Council will update the CBL system to enable automatic bids to be placed upon the applicant's behalf.

**Approved bidding** – This will apply for sensitive cases. The applicant may still bid themselves but the Council will need to approve the bid as suitable.

If you wish us to discuss your application with third parties we will need your signed agreement in order for us to disclose or accept information from your advocate.

## **10.2 Direct Lets**

Direct Lets may apply in the following circumstances:

- Extra care or flexi care properties.
- If a property is needed to house someone in council property temporarily.
- In some cases where someone has to be moved immediately.

- In the case of a specially adapted property which is particularly suitable for a particular applicant or where a property has been identified as being suitable for an extension or adaption decants (where the Council needs tenants to move).
- If there is no alternative temporary accommodation available and the Council would be breaching their duty.
- Allocations to ground floor sheltered and elderly designated accommodation given to current tenants, living on an upper floor, within the same block, who have a medical/mobility need for ground floor accommodation.
- Accepted homeless households.
- Applicants aged 60 and over who fall into a priority need category under Homeless legislation may be made a direct offer into one of our sheltered schemes as part of our Homelessness Prevention initiative.
- Households accepted as being homeless and being owed the main homeless duty (section 193). Where the applicant meets all criteria for a full housing duty, and where swift intervention is necessary to avoid hardship, a direct let can also be made to a homeless household during the relief duty (section 189B).
- Applicants nominated through any Housing First project.

Direct Lets will not always be part of the CBL scheme and will be approved by a member of the Senior Management Team.

### **10.3 Applicants subject to Multi-Agency Public Protection Arrangements**

Housing applications received from the Multi Agency Public Protection Panel will be considered by the Housing Review Panel.

### **10.4 Applicants who require an adapted property or other special requirement**

Where an applicant has been assessed as requiring a specific size, type or adapted property, they will be placed in the appropriate priority band. This assessment may take into consideration recommendations from the Council's independent medical advisor. In some cases, the applicant may be offered a direct let. Where the Council has identified a shortage of suitable properties for applicants with special requirements on the housing register, the Council will consider creating a 'chain move'.

This is where the Council matches the applicant with a special requirement need, with a Registered Provider who has identified an applicant with an adapted property who has applied for a transfer. This is different from a Mutual Exchange whereby all applicants have a property to offer in the exchange.

Occasionally a property will be substantially adapted to make it suitable for applicants with a disability. In these cases, priority will be given to bidders with an identified need for this type of property, providing that they are in Bands A–C. Some ground floor properties will be advertised with a preference for applicants within Bands A-C who require this on medical grounds.

## **10.5 Local Lettings Policy**

The Council, in partnership with other Registered Providers, may produce a local letting policy. These policies will outline any specific local letting initiatives for the neighbourhood taking into account supply and demand and other management factors. Rural exception sites will be subject to permanent local lettings policies. Other local letting policies are normally short-term measures put in place to address specific local issues. These can include dealing with community sustainable issues such as:

- Increasing the number of people in employment.
- Training.
- Reducing child density and anti-social behaviour on estates.

Local lettings policies may therefore override the 'rules of choice and the Council's normal letting policy' in specific neighbourhoods, in villages or on local housing estates and over specific periods of time. Examples include properties that may have criteria based on age or household composition to address specific local issues or may override occupancy level agreements and demand issues to address local management or supply.

Local letting policies will be by definition dynamic documents monitored against and developed in line with changing situations and demands.

Copies of local letting policies will be available from the Council and the Registered Provider.

The Council, in these circumstances, will ensure that their local lettings policies do not discriminate, directly or indirectly, on racial or other equality grounds. Local lettings policies will normally apply to new developments where over 10 affordable homes will be provided.

## **10.6 Move on and Leaving Care**

The Council will have some agreements with organisations that provide specialist housing. These organisations deal in particularly with vulnerable homeless applicants or young people leaving care who may require move on accommodation usually for single applicants. The Council will try to house an agreed number of applicants nominated from these organisations each year.

## **10.7 Management Priority**

There are occasions when the Council must house applicants outside our normal procedure. When requested, supporting evidence from other agencies such as police, Adult Social Care or Children Schools and Families and other groups is essential to achieve a management decision. Evidence of this nature needs to be countersigned by a Senior Manager.

Management Priority moves will be dealt with on a case by case basis. Cases that will be considered for management priority decisions include:

- Decants (where the Council needs tenants to move).
- Nominations received from the National Witness Mobility Scheme.
- Households who need to move for emergency reasons not covered in the bands.
- Cases referred through Multi-Agency Public Protection (MAPP).

In view of the urgency involved with Management priority offers, one reasonable direct offer of suitable accommodation may be made by the Council. This may include the offer of a like for like property.

All Management Priority applications will need to be verified before their application is made live

## 10.8 Assessed Bedroom Need

The table below indicates the size and number of bedrooms that an applicant can bid for.

When calculating bedroom entitlement the following rules will apply.

Two children of the same sex are assessed as needing one bedroom regardless of their ages. Two children of opposite sexes are assessed as needing one bedroom until one reaches the age of ten.

**Current Table of Bedroom Eligibility**

Household Size	
Single Applicant	Bedsit-Studio or One bedroom
Single Applicant with staying access to 1 child	Bedsit-Studio or One bedroom
Single Applicant with staying access to 2 children	One bedroom
Couple without children	One bedroom
Parent/s with one child under 2	One bedroom or Two bedrooms
Parent/s with one child aged 2 or above. Parent/s with 2 children under 2	Two bedrooms
Parent/s with 2 children of the same sex. Parents with two children of opposite sexes where both are under 10 years	Two bedrooms
Parent/s with 2 children of opposite sexes where one is over the age of 10	Three bedrooms
Parent/s with 3 children	Three bedrooms
Parent/s with 4 or more children Parent/s with 4 children depending on age and sex (2 same sex sharing / opposite sexes sharing up to 10 years.)	Three or Four bedrooms using the eligibility rules outlined above.
Parent/s with 5 or more children	Four bedrooms or larger Three bedrooms with dining room and lounge.

All properties that are advertised through the CBL scheme will be clearly labelled to identify the size of property that an applicant can bid for.

### **Unborn Child**

An unborn child does not count as part of an applicant's household.

#### **10.9 Proof of Access to Children**

The Council will check to make sure that access does take place and will need to see proof. Such proof could include a letter from the separated (other) parent. This is not normally considered enough on its own, as the proof should be independent, therefore the Council will seek further supporting evidence such as a Solicitor's letter or Court papers as it deems appropriate or make appropriate enquiries.

Where an applicant has staying contact with children for less than 50% of the time, the children will not be counted as part of the applicant's household when assessing bedroom requirements.

Where two applicants have equal staying contact with children, evidence as to the child's main and principal home is required when assessing bedroom requirements. There is an extreme shortage of housing in St Albans and it is not possible to provide accommodation where children are not permanently resident and they will not be included if we are not satisfied that they are a permanent member of the household.

#### **10.10 Medical Need for an extra bedroom or alternative accommodation**

If the applicant feels that there is a medical need for an extra bedroom, or alternative suitable accommodation, this will be considered by the Council. The Council will seek supporting evidence from the applicant that there is a need for an extra bedroom or alternative accommodation. The Council may refer this information to an independent Medical Adviser and, in these cases, they will assess the information provided in the application and supporting information provided by professional third parties such as Social Services, Occupational Therapists, and medical consultants.

Any decision to allow an extra room will be made at Principal Officer level or above.

The final decision will be made by the Council taking into account all information available to it. This may over-ride the usual rules about bedroom eligibility.

#### **10.11 Extra room for Carers (care workers)**

It will be expected that the relevant services at Hertfordshire County Council should provide supporting evidence that a 'live in' carer is needed, and that if the support was not given voluntarily or paid for by the client they would qualify for funding for a 'live in' carer.

In the first instance these applicants will be considered for Flexi Care schemes within the District. These schemes assist with independent living and have care arrangements in place for residents.

Where applicants cannot be considered for Flexi Care and the Council agree that an extra bedroom is needed on medical grounds, only one extra bedroom for a carer will be considered. Extra rooms for a carer's dependants cannot be considered.

A full-time carer will only be included in the application when it can be demonstrated that a live-in carer is essential on a 24 hour, daily and continuing basis and this is agreed by the Council. Any decision to allow an extra room will be made at Principal Officer level or above.

## **11 Choosing Where You Want to Live**

### **11.1 How to Bid**

Applicants can bid for any property that is of the appropriate size in accordance with their assessed need and that they meet the advert criteria for. Bidding is simple, it can be done either online or by requesting auto bid is activated on an accepted application. In this situation, bids will be automatically placed, based upon an applicant's area of preference and housing need.

New properties are advertised every week with a closing date for bids clearly shown. Bids must be submitted before the closing date, which will be highlighted on the property advert.

Each available property will have a short description that will include the number of bedrooms, floor level, rent, location of the property and information about facilities in the property and its neighbourhood. Applicants must make sure they meet the criteria noted on the advert otherwise they will not be considered for the property.

The Council cannot guarantee precisely when an applicant will be successful in their bid, as this will depend on the type and location of the property they bid for, whether they have reasonable or additional preference and the number of applicants bidding for the property.

### **11.2 Viewings**

After bidding closes, the Council will look at the shortlists for the properties that have been advertised.

Applicants are reminded that they must provide up to date contact details. If we are unable to contact a successful applicant within 48 hours, then the property will be offered to the next applicant on the shortlist. Applicants must also make an appointment for a viewing within 24 hours otherwise the property will be offered to the next person on the shortlist.

The purpose of viewing the property is to see the internal and external features of the property and seek any further clarification from the landlord regarding the property. The applicant that has been shortlisted for a property will not be considered for any other properties whilst they are under offer.

The applicant at the top of the shortlist will normally be given 24 hours after viewing a property and receiving a verbal offer of a tenancy, to accept or refuse the offer. If the offer is refused the person next on the shortlist will be offered the property. We may also arrange multiple viewings for a property.

Some applicants may require longer than others to make a decision about accepting a property. These will be considered on a case by case basis and a time scale agreed between the applicant and the Council.

In exceptional circumstances the Council's Head of Housing may approve a decision not to offer a property to the applicant at the top of a shortlist if in doing so the offer could put a vulnerable person at risk of any harm. Any such decisions will be given to the applicant in writing.

### **11.3 Accepting Offers**

Once the applicant has been verified, they will receive a formal offer for the property or be nominated to the Registered Provider. During the period after acceptance of an offer or nomination and before tenancy sign up, the CBL system will not allow the applicant to be considered for other properties.

The landlord of the property will start the tenancy on any day of the week. In some cases, there may be a delay between acceptance of an offer and commencement of tenancy e.g. new properties awaiting final handover, properties undergoing maintenance.

### **11.4 Withdrawal of Offers**

In the following very exceptional circumstances, the landlord may withdraw an offer of accommodation:

- Where there has been a change in the applicant's circumstances.
- Following verification, the applicant does not qualify for the property.
- Where an error has been made in the advertising criteria.
- Where an offer of accommodation could put a vulnerable applicant at risk of any harm.
  
- Where the applicant does not meet a specific Letting Policy of the landlord.

This list is not exhaustive.

### **11.5 Refusing an Offer of Accommodation**

If an applicant refuses an offer of accommodation made, they will remain in their housing needs band (subject to the conditions in 9.2 and 9.3).

## **12. Financial Assessment**

All applicants will be asked about their financial circumstances as part of the verification process. We may use a credit checking agency to verify details and as part of our policy to prevent/detect fraud, share information with other departments within the Council and other Housing Providers. By completing the Housing Register declaration and consent form you will be giving your consent for this. If an applicant's financial situation is such that they are deemed to have sufficient financial resources to resolve their own housing need they will be excluded from the housing register.



An applicant who has sufficient resources to resolve their own housing need, either through renting or buying a suitable property, (whether on the open market or through one of the low-cost home ownership schemes) or by any other means, will normally not be allowed onto the housing register. In making this decision we will take into account any equity outstanding from the sale of a property, income, investment income and current property value (for homeowners). This list is not exhaustive but gives an indication of what will be taken into account in the financial assessment. Applicants can request a review of this decision. Please note that we will disregard any sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service.

The Gross Household Income Limits are:

1 Bed Property	£36,295
2 Bed Property	£48,173
3 Bed Property	£56,152
4 Bed Property	£69,608

These income limits have taken into account the average market rent in the St Albans district. The amounts permitted reflect gross household income, including adult children aged 18 and over that are included as part of the application.

These income limits will be reviewed on an annual basis. Household Income Limits are updated in April each year in line with the previous September's RPI figure.

Applicants with savings over £16,000 will not qualify to register for housing except in exceptional circumstances. These decisions will be taken at Principal Officer level or above.

If you apply to the Housing Register and you own, or part own, a property then your application will not be accepted onto the housing register unless there are very exceptional circumstances. The decision to allow a property owner onto the Housing Register will be made by officers at Principal Officer level or above.

### **13. Medical Grounds**

Where an applicant requests priority based on a medical condition, this will only be taken into account where the medical condition is being made worse by the accommodation that the applicant resides in or would be improved by a move to more appropriate accommodation.

Where an applicant or member of their household has a medical condition or disability that is affected by their housing circumstances, they will be asked to submit supporting evidence. Applicants need to state how their medical condition will be improved or alleviated by a move to alternative accommodation. This will usually be considered along with any other medical reports or occupational therapy reports and may be referred to the Council's Medical Adviser. If requested the Medical Adviser will advise on the relative medical priority of the household and any other re-housing needs, such as a need for ground floor accommodation for consideration by the Council. The

Medical Adviser's recommendation will be considered by the Council. The Council will make the final decision as to whether or not medical priority will be awarded. Some applicants may be considered for bungalows if it is considered that this type of property is suitable for them even if they do not meet the age criteria. These decisions will be made at Housing Review Panel and will usually be in the case of wheelchair adapted bungalows where it is hard to meet this need within the general needs stock.

The 'priority date' awarded under Medical Grounds is the date of which the original medical information was received by the Council, for which you received additional priority. For more information relating to 'priority dates', please see section 20.

Applicants can request a review of their medical priority. Whilst the Council may seek the opinion of a medical expert in determining whether priority will be awarded, the final decision remains with the Council.

Following the outcome of that review the Council will not undertake any further assessment for 12 months unless there is a significant change in circumstances. If a further assessment is undertaken and the person's health has improved this may result in the priority award being reduced or removed.

The Medical Adviser may make recommendations for a particular property type. Applicants must make appropriate bids or request for auto bidding to be applied to ensure appropriate bids are placed. Bids for properties that do not meet the medical recommendations made will not be considered.

#### **14. Support/Care Needs**

It is essential to assess any support and care needs for applicants with approved medical priority. The Council may liaise with relevant agencies, as necessary, to ensure the allocation of appropriate accommodation. The Council will also consider whether the applicant or member of their household needs would be better served by the applicant remaining in their current accommodation and, if appropriate, an application for aids and adaptations can be made.

#### **15. Sheltered Housing and age restricted properties**

For sheltered accommodation usually only applicants aged 60 years of age and over will be considered, but applicants with physical/learning disabilities who are suitable for and would benefit from sheltered accommodation will also be considered. Where a joint application is made, these will be considered where one applicant is aged 60 or over and the other is aged 50 or over. Some properties are restricted for older applicants. The age restriction will be clearly stated in the advert.

Sheltered housing will only be available to householders who require the level of support offered in this type of accommodation. Applicants for sheltered housing will be subject to an assessment by the Council to establish the prospective applicant's support needs.

Priority for allocations to ground floor sheltered and elderly designated accommodation will be given to current tenants on the transfer list, living on an upper floor, within the same block, who have a medical/mobility need for ground floor accommodation. This will be done via a direct let. Allocations thereafter will be allocated based on individual need. This will then free up a property for an applicant via CBL.

If the assessment indicates that the applicant requires a higher level of support than can be provided by sheltered housing, the applicant will be advised of this and referred to Adult Care Services and where appropriate, considered for extra care or flexi care schemes.

#### **16. Bungalows**

Bungalows are primarily for applicants who are aged 60 years and over or for social housing tenants living in the St Albans District who are aged 50 years and over and are currently under occupying a Council or Registered Provider home.

However, some applicants (Bands A-C) below the ages listed above, who have a medical priority will be considered for bungalows. All applicants not meeting the age restriction will need to be approved by the Housing Review Panel to bid on bungalows.

#### **17. Under-Occupiers**

In order to make the best use of our Council stock we will place social housing tenants living in the St Albans district that are under occupying 3- and 4-bedroom accommodation and looking to move into 1-bedroom accommodation into Band A. All other social tenant under occupiers living in the district will be placed in Band B. St Albans Council tenants who under occupy and who move to accommodation with fewer bedrooms from two bedrooms or larger may qualify for the Tenant's Incentive Scheme. Under occupiers who are aged 50 and over are able to apply for bungalows.

#### **18. Social and Welfare Needs**

Priority may be awarded under social and welfare grounds where there is an identified housing need not addressed in the banding assessment criteria.

The term "welfare" is intended to encompass not only care or support needs, but also other social needs which do not require ongoing care and support.

#### **19. Allocations to Staff, Council Members and Families**

Members of staff, their close family and elected members who require housing through the Council may apply for housing in the same way as other applicants. Their status should be disclosed on the application form at the time of applying. Failure to disclose this may result in an application being suspended while investigations are undertaken.

If an applicant who is a member of staff, elected member or a member of their direct family, makes a successful bid for a property, the Head of Housing will be informed and must approve the shortlist letting prior to the formal offer being made. If the Head of Housing is not available an officer with delegated authority or a member of the senior management team must approve the shortlist.

#### **20. Priority Date**

The 'priority date' is the date that an applicant was placed into their priority band. For some applicants their priority date will be the original date of application. If there are any significant changes in the circumstances of an applicant that may require changes in their priority or bedroom requirements, their priority date will change. However, for homeless applicants, the priority date will be the date the Council accepts statutory duty to re-house the applicant.

Where two applicants are placed first and second on the shortlist for a particular property, are in the same priority band and have the same priority date, the property will be offered to the applicant for whom the Housing Options Team Leader (Supply) considers the property most suitable.

Any property belonging to Registered Provider may hold additional criteria. For details you should refer to the policy of the specific Registered Provider.

## **21. Change of Circumstances**

All applicants must update their online application form with details of any changes in the information provided. Some changes in circumstances will mean that the application will be suspended, this is because it could affect applicant's priority or eligibility for an offer. Examples of change of circumstances are detailed below, although this list is not exhaustive:

- Household members leaving the household.
- Relationship breakdown.
- Change to the medical circumstances of anyone included in the application.
- Death of a joint applicant.
- Change of address or contact number.
- Change in medical condition.
- If there is a change in immigration status.
- If anybody included as part of the application receives a criminal conviction.
- If there is an increase in the number of people in the household, e.g. birth of a child

Applications may be suspended whilst the Council assesses the information provided by the applicant and completes any further enquiries that may be necessary.

Please note that if an applicant comes up for an offer and their circumstances have changed and we have not been notified then this could result in the application being cancelled or suspended and any offer of accommodation being withdrawn.

## **22. Tenancy Management outside the scope of CBL**

The following tenancy management areas fall outside of Part 6 of the Housing Act 1996 and will be managed by Registered Providers:

- Mutual exchanges.
- Persons transferring from introductory to secure tenancy in the same property.
- Where a secure tenancy is assigned by way of succession to the same property.
- Where a secure tenancy is assigned to someone who would be qualified to succeed to that tenancy if the secure tenant died immediately before the assignment.
- Transfers that a landlord initiates for management purposes.
- In the cases of joint tenants where there is a relationship breakdown and a decision is taken to create a new tenancy for one tenant.

- Where court orders are made under one of the following:
  - Section 24 of the Matrimonial Causes Act 1973,
  - Section 17 (1) of the Matrimonial and Family Proceedings Act 1984,
  - Paragraph 1 of schedule 1 to the Children Act 1989.

## **23. Right to Information**

An applicant has the right to:

- Request general information that will enable the applicant to assess how their application is likely to be treated under the scheme and whether accommodation appropriate to their needs is likely to be made available.
- Be notified in writing of any decision about whether the applicant is suitable to be a tenant of the Council.

## **24. Data Protection**

When an applicant applies for housing, the Council will seek only information that they require to assess the applicant's housing need. The Council is processing the personal data you provide to comply with its legal obligation, therefore processing is in accordance with Article 6 (1) (c) of General Data Protection Regulation ("GDPR").

If you are providing us with special category personal information (such as details about your health) we will be processing this under Art. 9(2) of GDPR. If you are providing us with criminal conviction personal information we will be processing this under Art.10 of GDPR.

We will use the data you have supplied for the purposes of your housing application. The Privacy Notice for Housing Applications details how the Council will use the personal data, who this data will be shared with and how we will store your personal data.

Your personal data will be treated in accordance with the Council's GDPR Personal Data Policy, the General Data Protection Regulation and Data Protection Act 2018

## **25. Decisions and Reviews**

Decisions under the Allocation Scheme may be taken by officers of the Council who have been given appropriate delegated authority by the Head of Housing. Any discretion shown in the Allocation Scheme as belonging to the Head of Housing may also be exercised by officers of the Council with appropriate delegated authority. Members of the Council (also known as Councillors) do not make decisions on individual applications under the Allocation Scheme, whether or not they fall into a category prevented by regulation from doing so.

The Council will conduct allocation reviews in accordance with any regulations issued by the Secretary of State. Currently, these require that the review be carried out by an officer not involved in the original decision and who is senior to the officer who made the original decision. Requests for a review should be made in writing to the Housing Options Team Leader (Housing Supply) within 21 days of the date of the decision.

### **You can request a review of the following decisions:**

- That your application does not meet the qualifying criteria to join the Housing Register.
- If your application is made non-active
- If your application has been removed from the Housing Register other than by request.
- The banding assessment of your application

Applicants must request a review in writing within 21 days of receiving the decision. The Council has discretion to extend the time limit if it considers this would be reasonable. An applicant may provide any additional information that they think the Council should take into account when reviewing its decision.

A manager senior to the officer that made the decision and who was not involved in the original decision will carry out the review. The manager will notify the applicant of the decision and the reasons for it within 56 days, unless a longer period is agreed with the applicant.

An applicant will only be entitled to one officer review. If an applicant is still unhappy following the review of a decision, they can request a review of the decision by the Housing Review Panel within 21 days of being notified. The applicant cannot attend but can be represented by a Councillor.

If the Council upholds the decision that the applicant does not meet the qualifying criteria, any further application will be a fresh application.

- The suitability of accommodation which is a final offer discharging the Council's homelessness duty.

In this case, the review will be considered at Housing Review Panel. The manager will notify the applicant of the decision and the reasons for it within 56 days unless a longer period is agreed with the applicant.

Please note for reviews of medical decisions please see Section 13.

### **Elected Member Involvement**

The Allocations of Housing (Procedure) Regulations 1997 (SI 1997 No. 483) restricts a housing authority's elected members involvement in allocations decisions in certain specified circumstances. They prevent an elected member from being part of a decision-making body (i.e. the housing authority or any sub-committee) at the time the allocation decision is made, when either;

- the unit of housing accommodation concerned is situated in their electoral ward; or,
- the person subject to the decision has their sole or main residence in the member's electoral ward.

The applicant will be informed in writing of the decision made on review, and the reasons for it.

Reviews for decisions made under Part 7 of the Housing Act 1996 (Homelessness) are outside the scope of this scheme.

## **26. The Local Government and Social Care Ombudsman**

The Local Government and Social Care Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies. They can be asked to investigate complaints about most council matters including housing.

If a complainant is not satisfied with the action the Council takes, the applicant can send a written complaint to the Ombudsman. A complainant must give the Council an opportunity to deal with a complaint first, using its internal complaints procedure.

Local Government & Social Care Ombudsman:

Advice line: 0300 061 0614 (you can also text 'call back' to 0762 4803014)

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

## **27. The Housing Ombudsman**

If you are an existing tenant you will need to contact the Housing Ombudsman who deals with complaints from housing tenants and leaseholders.

If you are not satisfied with the action the Council takes you can contact the Housing Ombudsman, although you must give the Council an opportunity to deal with a complaint first using its internal complaints procedure.

To do this you need to either refer your complaint to a designated person:

- Any MP
- Any St Albans District Councillor
- Designated Tenant Panel (currently we do not have a designated tenants' panel).

Alternatively you can refer your complaint directly to the Housing Ombudsman but you are required to wait eight weeks from the date of the Council's final response letter.

The Housing Ombudsman service details are below:

Housing Ombudsman Service  
Exchange Tower  
Harbour Exchange Square  
London  
E14 9GE

Website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

Tel: 0300 111 3000

Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

# Appendix JS11

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Extract from Inside Housing (11 March 2016)







The heart of a town  
lies in it's people



# INSIDE HOUSING

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## Applicants barred by local connection rules

NEWS 11/03/16 8:00 AM BY SOPHIE BARNES

More than half of councils to respond to an Inside Housing survey have imposed new local connection rules to slash their waiting lists.



An exclusive Inside Housing survey reveals 159 English councils have struck 237,793 people off their waiting lists and barred a further 42,994 new applicants since the Localism Act came into effect in June 2012. Ninety councils, or 57% of

respondents, have introduced a requirement that applicants have a connection to the local area.

Melanie Rees, head of policy at the Chartered Institute of Housing, said the requirements “generally aren’t good practice” as they can be “discriminatory depending on how long they’re applied”. Twenty-six councils require a person to have lived in the area for three years or more.

The research suggests a surge in the number of people removed or barred from waiting lists. In a similar survey of 126

removed or barred from waiting lists. In a similar survey of 120 councils two years ago, 113,000 people had been removed or barred.

There have been 775 occasions since 2012 where a decision to remove an applicant from the waiting list or refuse access has been reversed after it was contested.

Current statutory guidance says councils should require a person to live in the borough for at least two years before they are considered for social housing.

However, the government plans to increase this to four years as part of a deal struck with the European Union prior to the referendum in June.

A spokesperson for the Local Government Association said the Housing and Planning Bill will cut investment in council housing and pressure local authorities to “further reconsider” their policies.

Glen Hearnden, portfolio holder for housing at Harrow Council, which has introduced stricter criteria, said the demand for housing “far exceeds supply”.

Other restrictions include means-testing income and barring people with rent arrears. Some people will have voluntarily come off the register, or moved out of the area. However, 39 councils, or 25%, have made no changes to their allocations policy since the Localism Act passed into law.

A Local Government Ombudsman report published in January said there had been a 13% increase in complaints about housing allocations.

A Department for Communities and Local Government spokesperson said Inside Housing’s research was “unnecessary scaremongering”.



Technology and big data has the opportunity to fundamentally change the way we manage homes.



## Appendix JS12

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Home Truths East 2014/15



## Home Truths 2014/15

# BROKEN MARKET BROKEN DREAMS

Let's end the housing crisis  
within a generation



# What does your local housing crisis look like?

**Increasing demand and a lack of new homes being built are at the root of the housing crisis in the East of England. The lack of new homes has driven house prices out of reach for local people and the average house price is now close to £244,000 – nearly nine times the average annual income for the region – and that has made the East of England the third most expensive region in the country.**

The areas suffering most acutely are those closest to London, such as Three Rivers, Hertsmere and Epping Forest. In St Albans the average home now costs just under £445,000.

It is not only home buyers suffering. Priced out first-time buyers are being forced into the private rented sector, increasing competition for rented properties and pushing up rents. Average monthly private rents in the East of England are now around £690 and exceed £1,000 a month in seven local authorities, including Brentwood, Watford and Welwyn Hatfield.

High rents have led to private renters spending almost a third of their income on housing costs. This also puts added pressure on the Housing Benefit bill as more low and middle income earners need support to be able to pay their housing costs. Almost a quarter of all households claiming Housing Benefit in the region are in work, up more than 11 percentage points since 2008.

The housing crisis in the East of England will only be solved if we build more homes. Over the next 20 years over half a million new households are expected to form in the region. At the current building rate that means we would face a housing shortfall of over 300,000 by 2031.

National Housing Federation analysis  
for Home Truths 2014/15 unless otherwise stated

# End the housing crisis within a generation



**It is clear that we have a housing crisis in the East of England. It has been decades in the making and short-term initiatives aren't going to fix it for this generation, or the next.**

It has been created by the failure of successive governments to address the region's major housing challenges, primarily failing to build enough homes. The English public agree: around one in four people think that their housing situation will generally improve in the next ten years, and seven out of ten think that the Government should play a role in improving accessibility to housing<sup>1</sup>.

To end the crisis once and for all the main political parties must be bold in their action and, importantly, they need to look beyond the lifetime of the next parliament.

**In the run-up to the General Election, we are calling on all political parties to commit to end the housing crisis within a generation.**

**We want the next government to publish a long-term plan within a year of taking office that sets out how it will achieve this.**

Working with the Government, private developers, landlords, planners and the rest of the housing sector, housing associations can make an essential contribution to ending the housing crisis in the East of England.

<sup>1</sup> Figures from YouGov Plc. Total sample size was 2,036 British adults of which 1,651 were from England. Fieldwork was undertaken between 18-19 August 2014. The survey was carried out online. The figures have been weighted and are representative of all GB adults (aged 18+).

## Contact:

National Housing Federation  
Lion Court  
25 Procter Street  
London WC1V 6NY

Tel: 020 7067 1010

Email: [info@housing.org.uk](mailto:info@housing.org.uk)



#housingcrisis



# East of England

**Footnotes to tables**

1 Land Registry, Sales data 2013

2 Valuation Office Agency (VOA), Private Rental Market Statistics, year to March 2014

3 ONS, Annual Survey of Hours and Earnings (ASHE) 2013

4 Department for Work and Pensions (DWP) Housing benefit statistics (Stat-Xplore)

5 ONS, Nomisweb, Model based estimates of unemployment (16+) April 2013 to March 2014

6 DCLG, Council Taxbase Local Authority Level Data, 2013

7 DCLG, Live Table 615 All long-term vacant dwellings by local authority district, England, from 2004

8 Homes and Communities Agency (HCA) Statistical Data Return 2013

	Mean house prices in 2013 (£) <sup>1</sup>	Mean monthly private sector rents in 2013/2014 (£) <sup>2</sup>	Mean annual earnings in 2013 (£) <sup>3</sup>	Ratio of house prices to incomes in 2013 <sup>1,3</sup>	Income required for 80% mortgage in 2013 (80% at 3.5x, £) <sup>4</sup>	% of housing benefit claimants in employment in May 2014 <sup>4</sup>	Unemployment rate in 2013/2014 <sup>4</sup>	% of second homes of total number of properties in 2013 <sup>5</sup>	Long-term vacant stock in 2013 <sup>6</sup>	Total HA rented homes in 2013 <sup>7</sup>	HA supported housing in 2013 <sup>8</sup>
ENGLAND	251,879	720	26,520	9.5	57,572	22.5%	7.1%	1.1%	216,050	2,392,124	412,250
EAST OF ENGLAND	243,654	690	27,368	8.9	55,692	23.3%	5.8%	1.1%	18,917	242,166	43,254
Bedford	216,110	632	26,629	8.1	49,397	23.1%	7.3%	0.5%	476	11,634	1,647
Central Bedfordshire	228,542	701	29,874	7.7	52,238	23.8%	4.9%	0.4%	769	9,712	2,143
Luton	165,114	663	23,114	7.1	37,740	29.2%	8.6%	0.4%	636	4,017	599
Peterborough	159,240	572	24,154	6.6	36,398	23.5%	8.1%	0.2%	581	15,343	2,649
Southend-on-Sea	216,864	681	26,073	8.3	49,569	25.3%	8.1%	0.3%	634	3,253	603
Thurrock	188,396	760	26,603	7.1	43,062	24.3%	7.4%	0.4%	350	1,473	113
Cambridgeshire	252,841	747	29,089	8.7	57,792	21.2%	4.0%	0.8%	2,114	27,643	4,956
Cambridge	367,510	912	28,922	12.7	84,002	21.4%	4.6%	2.5%	279	4,424	950
East Cambridgeshire	222,771	758	29,541	7.5	50,919	23.3%	4.3%	0.4%	262	5,124	1,166
Fenland	144,263	541	23,733	6.1	32,974	19.2%	6.5%	0.2%	390	5,449	987
Huntingdonshire	211,681	645	27,669	7.7	48,384	20.3%	4.1%	0.4%	607	9,525	1,375
South Cambridgeshire	297,318	854	33,108	9.0	67,958	23.1%	3.7%	0.6%	576	3,121	478
Essex	251,482	760	28,761	8.7	57,482	22.9%	6.4%	0.7%	4,271	45,107	9,228
Basildon	226,414	792	29,094	7.8	51,752	19.4%	7.4%	0.3%	470	5,676	663
Braintree	222,908	716	28,439	7.8	50,950	22.7%	5.9%	0.4%	535	10,315	968
Brentwood	347,908	1,055	36,083	9.6	79,522	23.4%	3.8%	0.6%	119	1,007	286
Castle Point	218,632	781	28,012	7.8	49,973	25.3%	5.8%	0.1%	291	536	135
Chelmsford	261,539	751	29,177	9.0	59,780	23.8%	4.9%	0.4%	276	9,843	2,694
Colchester	212,393	673	25,943	8.2	48,547	25.1%	5.9%	0.7%	627	4,497	836
Epping Forest	381,451	1,123	32,204	11.8	87,189	22.5%	5.7%	0.5%	451	1,682	345
Harlow	197,105	755	24,180	8.2	45,053	24.7%	7.4%	0.2%	144	1,794	649
Maldon	257,983	731	32,921	7.8	58,968	22.6%	5.2%	1.2%	177	2,919	826
Rochford	243,193	815	28,720	8.5	55,587	25.1%	4.7%	0.2%	257	2,735	776
Tendring	173,279	619	22,771	7.6	39,607	21.2%	8.0%	2.8%	703	2,658	803
Uttlesford	336,673	901	32,942	10.2	76,954	24.7%	3.0%	0.6%	221	1,445	247
Hertfordshire	333,497	966	31,538	10.6	76,228	26.4%	4.5%	0.5%	2,704	52,628	8,660
Broxbourne	262,862	890	29,754	8.8	60,083	29.8%	6.4%	0.2%	92	5,229	1,031
Dacorum	320,591	898	30,108	10.6	73,278	24.3%	4.4%	0.5%	349	2,817	547
East Hertfordshire	324,439	897	34,351	9.4	74,157	27.7%	3.8%	0.3%	463	7,746	1,250
Hertsmere	394,424	1,128	29,328	13.4	90,154	28.3%	4.9%	0.5%	262	7,215	1,046
North Hertfordshire	276,555	769	30,254	9.1	63,213	22.9%	5.5%	0.5%	422	10,517	1,381
St Albans	444,919	1,171	42,448	10.5	101,696	27.8%	3.7%	0.5%	249	2,247	408
Stevenage	192,519	730	25,293	7.6	44,004	23.3%	7.3%	0.3%	179	1,985	400
Three Rivers	430,604	1,372	31,970	13.5	98,424	25.0%	4.9%	0.3%	231	5,240	953
Watford	275,989	1,013	30,082	9.2	63,083	34.8%	5.3%	0.3%	252	6,463	985
Welwyn Hatfield	321,006	1,103	27,035	11.9	73,373	22.8%	5.8%	1.2%	205	3,169	659
Norfolk	191,453	597	22,324	8.6	43,761	20.4%	6.0%	3.1%	3,421	42,385	7,170
Breckland	180,034	630	20,160	8.9	41,151	23.6%	5.9%	0.8%	491	8,187	1,239
Broadland	205,863	631	23,208	8.9	47,054	24.6%	4.2%	0.7%	348	4,867	720
Great Yarmouth	149,810	500	20,550	7.3	34,242	19.2%	8.2%	5.3%	478	1,764	424
King's Lynn and West Norfolk	187,873	581	21,190	8.9	42,942	18.8%	7.0%	4.7%	817	9,598	1,291
North Norfolk	215,767	592	20,826	10.4	49,318	21.2%	5.0%	9.3%	561	6,287	823
Norwich	172,487	647	23,052	7.5	39,426	18.5%	7.8%	0.7%	366	5,197	1,536
South Norfolk	213,061	607	26,114	8.2	48,700	22.0%	4.5%	1.0%	360	6,485	1,137
Suffolk	206,899	604	23,369	8.9	47,291	21.4%	6.0%	1.8%	2,961	28,971	5,486
Babergh	236,527	664	25,574	9.2	54,063	22.6%	5.3%	1.3%	308	1,756	246
Forest Heath	179,541	825	20,389	8.8	41,038	26.0%	4.6%	0.6%	287	4,025	508
Ipswich	155,298	481	22,058	7.0	35,497	21.5%	8.0%	0.7%	461	4,769	1,289
Mid Suffolk	219,787	666	25,043	8.8	50,237	19.0%	3.7%	1.1%	382	1,353	334
St Edmundsbury	227,117	710	23,239	9.8	51,912	23.2%	4.7%	0.6%	278	7,790	1,165
Suffolk Coastal	255,997	591	25,875	9.9	58,514	22.9%	3.9%	4.6%	621	6,333	1,088
Waveney	170,684	504	20,706	8.2	39,013	17.8%	7.7%	2.4%	624	2,945	856

# Appendix JS13

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Home Truths East 2019/20







# Home Truths

The housing crisis in the East of England

Created in October 2020

## Solving the housing crisis

Housing associations are united by a single purpose – to ensure everyone in the country can live in a quality home that they can afford.

We meet shifting housing needs by building more homes, by providing extra support when it's needed and by innovating to tackle the challenges people face.

We generate income which doesn't go to shareholders so we can reinvest all our profits in homes and communities. That's what we have always done; it's what we will always do.

If you share our sense of purpose, we want to work with you. If you want to end the housing crisis, you need to work with us.

	East of England	England
Unemployment rate in 2018/19	3.4%	4.1%
Average (mean) house prices in 2018/19	£333,833	£303,006
Income required for 80% mortgage in 2018/19	£76,305	£69,259
Ratio of house prices to incomes in 2018/19	11	10
Mean annual earnings in 2018/19	£30,867	£30,170

East of England	Long term empty homes in 2018 <sup>1</sup>	Average (mean) house prices in 2018/19 <sup>2</sup>	Percent of Housing Benefit claimants in employment in 2018/19 <sup>3</sup>	Income required for 80% mortgage in 2018/19 <sup>4</sup>	Ratio of house prices to incomes in 2018/19 <sup>5</sup>	Mean annual earnings in 2018/19 <sup>6</sup>	Mean monthly private sector rents in 2018/19 <sup>7</sup>	Second homes in 2018 <sup>8</sup>	Shortfall in new homes (cumulative 5 years) <sup>9</sup>	Total housing association affordable homes in 2018/19 <sup>10</sup>	Unemployment rate in 2018/19 <sup>11</sup>
England	216,186	£303,006	20.7%	£69,259	10	£30,170	£858	252,630	482,905	2,753,583	4.1%
East of England	19,950	£333,833	20.9%	£76,305	11	£30,867	£863	25,922	56,430	278,100	3.4%
Bedford UA	613	£308,960	21.9%	£70,619	11	£29,546	£802	265	702	13,238	4%
Central Bedfordshire UA	1,092	£338,197	22.2%	£77,302	11	£32,172	£889	252	1,923	12,447	2.6%
Luton UA	598	£257,325	35%	£58,817	9	£27,560	£816	107	4,464	4,850	4.5%
Peterborough UA	537	£208,718	20.5%	£47,707	8	£26,473	£649	187	829	16,764	5%
Southend-on-Sea UA	596	£321,584	24.5%	£73,505	10	£31,840	£830	469	3,287	4,051	3.4%
Thurrock UA	152	£297,708	23.5%	£68,047	10	£30,462	£931	225	2,047	2,384	4%
Cambridgeshire	2,104	£339,813	14.3%	£77,671	10	£33,186	£910	3,128	2,681	33,073	2.8%
Cambridge	410	£527,289	9.6%	£120,523	16	£33,701	£1,225	2,077	0	6,049	2.9%
East Cambridgeshire	315	£314,810	20.2%	£71,957	9	£33,587	£890	200	1,948	5,670	2.5%
Fenland	385	£206,164	15.1%	£47,123	8	£26,135	£613	148	854	5,843	3.8%
Huntingdonshire	346	£296,029	12.2%	£67,664	10	£30,836	£811	393	738	10,564	2.8%
South Cambridgeshire	648	£408,857	18.6%	£93,453	11	£38,766	£1,012	310	993	4,947	2.2%
Essex	4,787	£358,573	20.4%	£81,960	11	£31,481	£936	4,290	13,047	52,171	3.1%
Basildon	390	£338,743	16.6%	£77,427	12	£29,572	£985	153	182	6,566	3.8%
Braintree	647	£312,986	18%	£71,540	10	£30,670	£814	182	2,180	10,926	3.1%
Brentwood	271	£504,825	19.5%	£115,389	12	£43,919	£1,139	109	1,132	1,203	3.7%
Castle Point	290	£319,103	23.6%	£72,938	11	£29,978	£960	253	912	698	2.9%
Chelmsford	480	£386,701	22.4%	£88,389	12	£32,599	£968	289	1,161	11,066	3.5%
Colchester	648	£292,680	23%	£66,898	10	£29,619	£813	534	757	5,566	3.2%
Epping Forest	374	£549,218	22.8%	£125,535	16	£33,514	£1,306	452	2,320	2,056	3.1%
Harlow	322	£297,949	19.6%	£68,103	11	£26,546	£934	65	1,016	2,456	4.7%
Maldon	194	£371,891	21%	£85,004	10	£36,603	£864	255	589	3,132	2.7%
Rochford	266	£369,704	23.3%	£84,504	12	£31,351	£965	82	499	3,052	2.6%
Tendring	627	£253,073	19.4%	£57,845	10	£24,887	£728	1,726	1,786	2,940	3.8%
Uttlesford	278	£463,443	18%	£105,930	13	£37,170	£1,051	190	515	2,510	3.1%
Hertfordshire	3,422	£463,320	36.5%	£105,902	13	£35,147	£1,104	2,062	17,222	59,526	3.5%
Broxbourne	205	£387,910	32.3%	£88,665	12	£31,346	£1,071	45	1,307	5,691	3.6%
Dacorum	522	£450,195	93.4%	£102,902	14	£31,860	£1,098	337	1,848	3,715	3.1%
East Hertfordshire	361	£457,548	26.3%	£104,582	11	£40,638	£1,025	165	1,863	8,871	2.5%
Hertsmere	503	£543,993	27.9%	£124,341	15	£35,563	£1,303	267	1,332	7,915	4%
North Hertfordshire	398	£395,263	21.2%	£90,346	11	£34,674	£937	269	2,512	11,260	3.1%
St. Albans	402	£609,775	27.3%	£139,377	14	£42,739	£1,310	186	2,307	2,752	3.4%
Stevenage	156	£285,964	22.5%	£65,363	10	£27,550	£882	62	1,121	2,603	3.3%
Three Rivers	260	£582,634	23.5%	£133,173	16	£36,608	£1,356	43	1,504	5,819	3%
Watford	362	£407,195	36.2%	£93,073	12	£32,708	£1,059	36	1,577	6,953	3.5%
Welwyn Hatfield	253	£452,733	20.9%	£103,482	15	£31,252	£1,098	652	1,850	3,947	3.4%
Norfolk	3,351	£252,551	16.5%	£57,726	10	£25,355	£681	13,421	5,190	47,029	3.8%
Breckland	419	£244,187	18.5%	£55,814	10	£24,357	£677	440	370	9,001	3.3%
Broadland	222	£275,103	21.7%	£62,881	11	£25,064	£723	397	393	5,830	3.4%
Great Yarmouth	585	£192,346	9.9%	£43,965	8	£22,937	£557	2,249	1,199	1,914	5.3%
King's Lynn and West Norfolk	825	£246,573	14.3%	£56,359	10	£25,470	£662	3,451	804	9,916	3.3%
North Norfolk	482	£281,090	18.9%	£64,249	13	£22,386	£637	5,450	634	6,466	2.4%

East of England	Long term empty homes in 2018 <sup>1</sup>	Average (mean) house prices in 2018/19 <sup>2</sup>	Percent of Housing Benefit claimants in employment in 2018/19 <sup>3</sup>	Income required for 80% mortgage in 2018/19 <sup>4</sup>	Ratio of house prices to incomes in 2018/19 <sup>5</sup>	Mean annual earnings in 2018/19 <sup>6</sup>	Mean monthly private sector rents in 2018/19 <sup>7</sup>	Second homes in 2018 <sup>8</sup>	Shortfall in new homes (cumulative 5 years) <sup>9</sup>	Total housing association affordable homes in 2018/19 <sup>10</sup>	Unemployment rate in 2018/19 <sup>11</sup>
Norwich	462	£221,902	15.7%	£50,721	9	£25,522	£787	698	1,742	5,879	3.9%
South Norfolk	356	£283,711	19.4%	£64,848	10	£29,203	£730	736	48	8,023	2.8%
Suffolk	2,698	£277,579	16.7%	£63,447	10	£28,226	£720	1,516	5,037	32,567	3.4%
Babergh	306	£315,478	16.5%	£72,109	10	£31,803	£734	517	375	2,151	2.9%
Forest Heath	300	£244,845	22.1%	£55,965	0	£0	£974	0	712	4,601	0%
Ipswich	368	£217,255	18.7%	£49,658	8	£25,886	£643	533	1,504	5,300	4.1%
Mid Suffolk	283	£298,569	14%	£68,244	11	£28,293	£718	466	492	2,022	3.1%
St. Edmundsbury	311	£323,206	17.6%	£73,876	0	£0	£850	0	532	8,310	0%
Suffolk Coastal	590	£328,919	18.6%	£75,181	0	£0	£709	0	520	6,867	0%
Waveney	540	£215,636	10.6%	£49,288	0	£0	£550	0	902	3,316	0%

1. MHCLG - Table 615 Vacant Dwellings by LA district. Date range: Oct 2004-Oct 2018. Next update Apr 2020.
2. ONS - HPSSA Dataset 12a. Date range: 95/96-18/19. Next update: Sept 2020. PLEASE NOTE: DATES ARE FINANCIAL YEAR (2018=2018/19).
3. Calculated from DWP - Stat-Xplore. Date range: 08/09-18/19. Next update: Aug 2020. PLEASE NOTE: DATES ARE FINANCIAL YEAR (2018=2018/19).
4. National Housing Federation analysis. Date range 95/96-18/19. Next update: Sept 2020. PLEASE NOTE: DATES ARE FINANCIAL YEAR (2018=2018/19).
5. National Housing Federation analysis. Date range 01/02-18/19. Next update: Oct 2020. PLEASE NOTE: DATES ARE FINANCIAL YEAR (2018=2018/19).
6. ONS - ASHE Table 8. Date range: 01/02-18/19. Next update: Oct 2020. PLEASE NOTE: DATES ARE FINANCIAL YEAR (2018=2018/19).
7. Valuation Office Agency - Private Rental Market. Date range: 10/11-18/19. Next update: Nov 2020. PLEASE NOTE: DATES ARE FINANCIAL YEAR (2018=2018/19).
8. MHCLG - Council Taxbase: LA level data. Date range: September 2010 - September 2019. Next update Nov 2020.
9. National Housing Federation analysis, based on TCPA 'New estimates of housing requirements in England 2012-2037'.
10. Homes England - Statistical Data Return 2019. Date range: 11/12-18/19. Next update Oct 2020. PLEASE NOTE: DATES ARE FINANCIAL YEAR (2018=2018/19).
11. ONS - NOMIS model-based estimates. Date range: 04/05-18/19. Next update: Jul 2020. PLEASE NOTE: DATES ARE FINANCIAL YEAR (2018=2018/19).

# Appendix JS14

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Home Truths East 2016/17



# Home Truths 2016/17

The housing market in  
the East of England



# The housing crisis in the East of England

Housing costs continue to rise in the East of England, making a home unaffordable for many working households, to rent or to buy.

This report provides local data on the housing market in the East of England and highlights that:

- Average **house prices are above the national average at £288,000.**
- The rising cost of homes in the region means that the **average home costs over 10 times the average salary.**
- In addition, average **private rents in the region now cost £786 a month**, rising to over £1,400 a month in one area.
- Many working households are reliant on Housing Benefit to cover rents, with **25% of all Housing Benefit claimants in work.**
- The region has a growing and ageing population. Between 2014 and 2039 it is estimated that the number of **households aged 65 and over will increase by 62%**, from 759,000 to 1,230,000. This is the third biggest increase behind London and the South East.
- Despite many thousands of new homes being completed, there has been a **shortfall of over 58,000 homes** over the last five years alone.

East of England	Average (mean) house prices in 2016 <sup>1</sup>	Mean monthly private sector rents in 2015/16 <sup>2</sup>	Mean annual earnings in 2015 <sup>3</sup>	Ratio of house prices to incomes <sup>4</sup>	Income required for 80% mortgage 2016 [80% at 3.5x] <sup>5</sup>	Percent of Housing Benefit claimants in employment <sup>6</sup>	Unemployment rate 2015/16 <sup>7</sup>	Five year shortfall 2011–2015 <sup>8</sup>	Long term empty homes <sup>9</sup>	Second homes <sup>10</sup>	Total housing association affordable homes 2016 <sup>11</sup>
England	£282,011	£820	£27,680	10.2	£64,460	24%	5.1%	510,620	203,596	245,324	2,667,406
East	£288,158	£786	£28,642	10.1	£65,865	25%	3.8%	58,160	16,471	28,813	266,807
Luton	£209,781	£770	£24,658	8.5	£47,950	34%	5.5%	4,604	385	207	4,542
Peterborough	£176,813	£581	£25,085	7.0	£40,414	27%	4.5%	869	592	153	16,610
Southend-on-Sea	£259,690	£751	£28,543	9.1	£59,358	28%	5.6%	3,327	593	242	3,700
Thurrock	£237,872	£866	£27,602	8.6	£54,371	27%	5.3%	2,497	214	222	2,064
Bedford	£259,963	£725	£28,548	9.1	£59,420	26%	4.5%	742	442	309	12,872
Central Bedfordshire	£274,912	£878	£30,966	8.9	£62,837	26%	3.2%	2,033	677	288	11,181
Cambridgeshire	£302,679	£785	£29,999	10.1	£69,184	23%	4.3%	2,561	1,866	2,631	31,667
Cambridge	£501,572	£1,162	£30,056	16.7	£114,645	23%	3.7%	n/a	245	1,780	5,331
East Cambridgeshire	£271,827	£839	£30,285	9.0	£62,132	26%	3.3%	1,788	246	148	5,699
Fenland	£169,759	£562	£24,544	6.9	£38,802	21%	4.0%	784	402	69	5,724
Huntingdonshire	£245,613	£723	£27,888	8.8	£56,140	22%	2.8%	438	427	309	10,258
South Cambridgeshire	£371,070	£948	£35,095	10.6	£84,816	23%	2.6%	913	546	325	4,655
Essex	£300,477	£838	£29,780	10.1	£68,680	25%	3.8%	13,127	3,662	4,227	49,638
Basildon	£275,085	£904	£29,812	9.2	£62,876	22%	4.6%	n/a	315	255	6,468
Braintree	£265,551	£773	£28,298	9.4	£60,697	23%	3.7%	2,240	603	184	10,713
Brentwood	£418,928	£1,170	£35,974	11.6	£95,755	25%	3.2%	1,062	113	166	1,206
Castle Point	£271,070	£838	£26,484	10.2	£61,959	28%	3.8%	922	225	77	652
Chelmsford	£319,606	£891	£30,602	10.4	£73,053	26%	3.8%	1,681	356	260	10,476
Colchester	£247,647	£728	£27,024	9.2	£56,605	27%	3.9%	607	487	425	5,176
Epping Forest	£473,455	£1,229	£33,535	14.1	£108,218	24%	3.4%	2,090	374	363	2,080
Harlow	£249,237	£839	£25,813	9.7	£56,969	27%	5.0%	1,096	109	62	2,067
Maldon	£308,774	£793	£34,897	8.8	£70,577	25%	3.2%	819	196	326	3,045
Rochford	£306,852	£898	£30,072	10.2	£70,138	26%	2.9%	539	189	86	3,050
Tendring	£199,199	£640	£23,686	8.4	£45,531	23%	6.0%	1,886	527	1,828	2,761
Uttlesford	£396,511	£1,011	£38,397	10.3	£90,631	26%	2.6%	515	168	195	1,944
Hertfordshire	£408,046	£1,094	£32,812	12.4	£93,268	29%	3.2%	17,412	2,087	1,999	57,392
Broxbourne	£329,686	£989	£31,106	10.6	£75,357	33%	3.6%	1,177	132	82	5,612
Dacorum	£411,712	£1,064	£33,119	12.4	£94,106	27%	3.4%	1,998	270	282	3,392
East Hertfordshire	£387,838	£986	£33,618	11.5	£88,649	29%	2.9%	2,093	395	181	8,500
Hertsmere	£478,557	£1,314	£31,938	15.0	£109,384	30%	4.1%	1,612	268	220	7,754
North Hertfordshire	£342,064	£878	£31,486	10.9	£78,186	25%	3.4%	2,582	299	276	10,943
St Albans	£545,777	£1,285	£42,489	12.8	£124,749	30%	2.8%	2,167	172	234	2,572
Stevenage	£250,654	£798	£26,166	9.6	£57,292	25%	4.3%	1,231	118	75	2,426
Three Rivers	£520,644	£1,434	£31,746	16.4	£119,004	27%	2.9%	1,404	113	54	5,772
Watford	£351,662	£1,085	£31,585	11.1	£80,380	38%	4.2%	1,457	133	73	6,767
Welwyn Hatfield	£394,636	£1,130	£29,104	13.6	£90,203	25%	4.2%	1,690	187	522	3,654
Norfolk	£216,248	£629	£22,906	9.4	£49,428	22%	3.5%	5,940	3,171	12,678	45,405
Breckland	£209,043	£648	£21,185	9.9	£47,781	24%	3.7%	640	441	398	8,550
Broadland	£236,759	£688	£23,629	10.0	£54,116	26%	3.1%	813	295	420	5,409
Great Yarmouth	£162,463	£528	£20,686	7.9	£37,134	20%	5.2%	1,189	536	2,388	1,916
King's Lynn and West Norfolk	£208,898	£604	£23,098	9.0	£47,748	19%	3.7%	584	783	3,362	9,928
North Norfolk	£243,953	£608	£20,160	12.1	£55,761	23%	3.8%	854	500	5,006	6,458
Norwich	£195,865	£654	£23,270	8.4	£44,769	21%	5.5%	1,672	306	496	5,812
South Norfolk	£241,537	£649	£26,156	9.2	£55,208	23%	2.9%	188	310	608	7,332
Suffolk	£237,109	£710	£26,073	9.1	£54,196	23%	3.7%	5,047	2,782	5,857	31,736
Babergh	£276,701	£694	£32,027	8.6	£63,246	25%	3.5%	325	316	466	2,055
Forest Heath	£202,820	£957	£23,171	8.8	£46,359	27%	2.6%	592	293	199	4,429
Ipswich	£178,287	£592	£23,665	7.5	£40,751	24%	5.1%	1,384	482	375	5,348
Mid Suffolk	£254,661	£714	£26,764	9.5	£58,208	20%	3.1%	332	298	451	1,819
St Edmundsbury	£271,299	£794	£27,362	9.9	£62,011	24%	3.1%	712	298	254	8,342
Suffolk Coastal	£285,929	£654	£28,766	9.9	£65,355	22%	2.9%	810	560	2,738	6,603
Waveney	£190,327	£536	£20,779	9.2	£43,503	19%	4.8%	892	535	1,374	3,140

1. Office for National Statistics (ONS), small area statistics  
2. Valuation Office Agency

3. ONS, Annual Survey of Hours and Earnings  
4. ONS, small area statistics and Annual Survey of Hours and Earnings

5. ONS, small area statistics and National Housing Federation own analysis  
6. Department for Work and Pensions, Stat Xplore

7. ONS, NOMIS model based estimates  
8. Town and Country Planning Association household projections; Department for

Communities and Local Government (DCLG) table 253 and Federation own analysis  
9. DCLG table 615

10. DCLG Council Tax bands  
11. Homes and Communities Agency Statistical Data Return 2016

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# Solving the housing crisis

Housing associations are united by a single purpose – to ensure everyone in the country can live in a quality home that they can afford.

We meet shifting housing needs by building more affordable homes and market homes, homes to rent and buy, and essential supported and specialist housing.

**Last year housing associations in the East of England built almost 3,500 new homes, and started building nearly 4,500 more.**

We continue to build many social rented homes in the region and last year **over 80% of these homes were funded entirely by housing associations**, without government assistance – that's because we generate income that doesn't go to shareholders, so we can reinvest all our profits in homes and communities.

We offer **£6 of private investment for every £1 of public money.**

Our homes are for everybody – from those most in need, to young people, families and first time buyers, to older and more vulnerable people who may need support. We'll continue to deliver across the mix to meet changing housing needs.

**If you share our sense of purpose, let's work together to end the housing crisis.**

## Contact

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# Appendix JS15

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## Summary of Affordability Indicators



## Appendix JS15 – Summary of Affordability Indicators

Indicator	St Albans City and District Council	Welwyn Hatfield Borough Council
Housing Register	534 in District at 25 February 2021, 219 in Colney Heath ward  Source: FOI response	2,286 at 1 April 2020.  Waiting times are up to 29 months for a four-bedroom home  Source: FOI response
Temporary Accommodation	129 households at 1 <sup>st</sup> April 2020 with a further 2 outside of the District  Source: FOI response	98 households at 1 <sup>st</sup> April 2020 with a further 13 outside the Borough  Source: FOI response
Average Affordability Ratio	14 at 2018/19 – a 33% change since 2013/14.  Source: NHF report	15 at 2018/19 – a 26% change since 2015/16  Source: NHF report
Lower Quartile Affordability Ratio	16.92 at 2019/20 – a 24% rise from 2013/14  Source: ONS	11.54 at 2019/20 – a 27% rise since 2015/16  Source: ONS
Average House Prices	£609,774 at 2018/19 – an increase of 37% from 2013/14  Source: NHF report	£452,773 at 2018/19 – a 14% increase since 2015/16  Source: NHF report
Median House Prices	At 2019/20, have increased by 50% since 2013/14 in District compared to 48% regionally and 32% nationally.  Source: ONS	At 2019/20, have increased by 43% since 2015/16 compared to 43% regionally and 26% nationally.  Source: ONS
Average Private Rents	£1,310pcm at 2018/19 – an increase of 12%  Source: NHF report	£1,130pcm at 2018/19 – an increase of 3%  Source: NHF report
Lower Quartile Private Rents	£975pcm at 2019/20 – increase of 18% and higher than national and regional average.  Source: VOA	£850pcm at 2019/20 – an increase of 3% and higher than national and regional average  Source: VOA
Affordable Housing Delivery against identified needs	-4,075 shortfall (-94%) against the 2016 SHMA 2013/14 to 2019/20	-3,977 shortfall (-97%) against the 2017 SHMA Update 2015/16 to 2019/20