

S106 Extract relating to the West of Townsend Road, Winkleigh Devon

Definitions as stated in Schedule 1:

“County”: means the administrative area of the County of Devon

District: means the administrative area of Torridge District Council

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

Local Connection: means a connection with the Parish, the Adjoining Parishes, the District or the County as appropriate in accordance with the provisions set out in paragraphs 1.9 – 1.13 of this Schedule 1 and as demonstrated by that person to the reasonable satisfaction of the Council:

- a) being a minimum continuous residence by a prospective owner or occupier of five (5) years therein immediately prior to their first Occupation, or
- b) residence by a prospective owner or occupier for five years therein within the ten (10) years preceding their first Occupation; or
- c) where one or both parents or guardians of a prospective owner or occupier have resided in the therein for a minimum period of ten (10) years prior to their first Occupation; or
- d) where a prospective owner or occupier has had continuous employment therein for the past five (5) years prior to their first Occupation; or
- e) a key worker under a scheme approved by the Council

1.10 Not to permit allow or cause the Affordable Dwellings to be Occupied by a person unless that person:

- (a) is a person in Housing Need and has a Local Connection at the time of his or her first Occupation of the Affordable Dwelling; or
- (b) is a member of the household of and living with a person in Housing Need and who has a Local Connection at the time of his or her first Occupation of the Affordable Dwelling; and (in either case)
- (c) occupies the Affordable Dwelling as his or her sole or main residence

but nothing in this paragraph shall require any person who satisfied such a requirement when they first Occupied the Affordable Dwelling to vacate a dwelling if

they cease to qualify under this paragraph by virtue of the death, hospitalisation, or a breakdown of a relationship with, the person who qualified under this paragraph.

1.11 If within a period of four (4) weeks for Social Rented Dwellings and eight (8) weeks for Intermediate Dwellings from the date that the Affordable Dwelling becomes available for Occupation no prospective occupier in Housing Need and with a Local Connection wishes to Occupy or purchase the Affordable Dwelling then Occupation or purchase is permitted by a person in Housing Need with a Local Connection as applied to the Adjacent Parishes.

1.12 If after a period of six (6) weeks for Social Rented Dwellings and twelve (12) weeks for Intermediate Dwellings from the date the Affordable Dwelling becomes available for Occupation no prospective occupier in Housing Need and with a Local Connection wishes to Occupy or purchase the Affordable Dwelling then Occupation or purchase is permitted by a person in Housing Need and with a Local Connection to any parish within the District.

1.13 If after a period of eight (8) weeks for Social Rented Dwellings and sixteen (16) weeks for Intermediate Dwellings from the date the Affordable Dwelling becomes available for Occupation no prospective occupier in Housing Need and with a Local Connection wishes to Occupy or purchase the Affordable Dwelling then Occupation or purchase is permitted by a person in Housing Need and with a Local Connection to any parish within the County.

PROVIDED THAT throughout each of the periods specified in paragraphs 1.9 -1.12 inclusive the Affordable Dwelling shall have been continuously marketed within the Parish at a price not exceeding the Restricted Price, Intermediate Rent or Social Rent as the case may be.

Schedule 1 – (extract from Deed of Variations to the Original Agreement)

4. To delete the definition of “Adjacent Parishes” in Schedule 1 of the Original Agreement to and replace with the following:

“Adjacent Parishes” means the parishes of Dowland, Dolton and Ashreighney