

Confirmation of compliance with occupancy restrictions

Getting a view on whether your circumstances satisfy the
requirements of an occupancy restriction



What are occupancy restrictions?

Occupancy restrictions mean only people who meet certain criteria can live in a particular house. There are three key types of restriction:

- Occupancy conditions on planning permissions granted under the Town and Country Planning Act.
- Planning obligations — these are legal agreements and are also known as Section 106 or Section 52 agreements.
- Occupancy restrictions imposed under the Housing Act when a former council house was sold under Right to Buy.

Can I get confirmation of whether I comply with an occupancy restriction which has been imposed on a house?

You can request confirmation from us of whether a person complies with an occupancy restriction which has been imposed by a planning condition or a planning obligation. The way you seek written confirmation varies depending on the type of restriction.

An occupancy restriction imposed under the Housing Act when a former council house was sold under Right to Buy is not a planning restriction. Any queries in respect of compliance with these restrictions should be addressed to the Housing Authority for that area (Cumberland Council or Westmorland and Furness Council).

Getting confirmation of compliance with an occupancy restriction imposed by a condition on a planning permission

The law affords two mechanisms to request written confirmation of compliance with a planning condition:

- Application for a certificate of proposed lawful development
- Request for written confirmation of compliance with a condition attached to a grant of planning permission

Option 1: Application for a certificate of proposed lawful development

This can be done before taking up occupation because it relates to something proposed.

You need to provide:

- Completed form (available from our website...
<https://lakedistrict.gov.uk/planning/applying-for-planning-permission/>)
- Location plan
- Evidence to support your application
- Fee

The fee is half the amount that would be payable in respect of an application for planning permission to institute the use specified in the application. Fees are set by law and cannot be varied.

Applications can be made via the Planning Portal website (www.planningportal.co.uk), by email to planning@lakedistrict.gov.uk or three copies can be posted to

Lake District National Park Authority
Murley Moss Business Park
Oxenholme Road
Kendal
LA9 7RL

Fees can be paid when you apply over the Portal, by card over the phone, or by BACS.

If we refuse your application or we don't determine it within eight weeks you can appeal to the Secretary of State through the Planning Inspectorate.

Option 2: Request for written confirmation of compliance with a condition attached to a grant of planning permission

Because most occupancy conditions do not require approval of details before taking up occupation, this process can only be used to confirm compliance with an occupancy condition once a dwelling is being occupied.

You need to provide:

- Written request (e.g. a letter)
- Sufficient information to enable us to identify the planning permission in respect of which the request is made
- Evidence to support your application
- Fee

Requests should be emailed to planning@lakedistrict.gov.uk or posted to

Lake District National Park Authority
Murley Moss Business Park
Oxenholme Road
Kendal
LA9 7RL

Fees can be paid by card over the phone or by BACS.

There is no right of appeal if we refuse to issue written confirmation of compliance with the condition, but you can apply again with more information. If you reapply you need to submit all the information again and pay another fee.

Getting confirmation of compliance with an occupancy restriction imposed by a planning obligation (Section 52 or Section 106)

To request our confirmation that a person complies with an occupancy restriction imposed by a planning obligation (section 52 or section 106) you need to submit details to our Solicitor.

You need to provide:

- Completed form (available from our website <https://lakedistrict.gov.uk/planning/planning-policy/affordable-housing/>)
- Sufficient information to enable us to identify the planning permission in respect of which the request is made
- Evidence to support your application

There is currently no charge. We aim to respond within four weeks.

Requests should be emailed to planning@lakedistrict.gov.uk or posted to

Lake District National Park Authority
Murley Moss Business Park
Oxenholme Road
Kendal
LA9 7RL

There is no right of appeal if we refuse to issue written confirmation of compliance with the condition.

How much information do I need to provide with my request?

Whichever process you choose, it is your responsibility to provide sufficient evidence to support the submission. Your evidence alone should be sufficiently precise and unambiguous to justify approval on the balance of probability. You need to describe the circumstances with sufficient clarity and precision for us to understand exactly what is involved.

Do I need to get confirmation of compliance before I can buy or live in a house?

You do not need to get confirmation from us that a person complies with an occupancy condition on a planning permission before buying a house or occupying it, but you should discuss the condition and your eligibility with

your legal advisor before proceeding. If you occupy a property in breach of an occupancy condition you may face formal enforcement action.

You might need to get confirmation from us that a person complies with an occupancy restriction imposed by planning obligation before buying a house or occupying it. You need to check the wording of the deed. If you occupy a property in breach of a planning obligation you may receive an injunction.

I'm buying a house. Where do I get a copy of the occupancy restriction?

Planning related occupancy restrictions will be a condition on the original planning permission for the house, or in a planning obligation (section 52 or section 106). These are extremely important documents which restrict who would be eligible to live in the property. The vendor and their estate agent should have a copy readily available because they need to take the precise restrictions into account when valuing the property before bringing it to market.

In the unlikely event that the vendor does not have a copy, we can provide copies of decision notices and legal agreements. Please email planning@lakedistrict.gov.uk with the reference number of the planning permission. Fees apply.

Restrictions are not the same across all properties so it is essential that you get the documentation for the specific property.

Can I get a verbal opinion on compliance with a restriction?

We offer a Duty Planner service for informal verbal planning advice, but a Duty Planner is unlikely to be able to offer an opinion on anything other than the most straightforward case and will not be able to undertake documentary research for you. Additionally, a verbal opinion cannot be relied upon as security for a prospective purchaser that they comply with a restriction - it does not bind the Authority to a particular course of action.

You can find more details about getting informal planning advice on our website <https://lakedistrict.gov.uk/planning/contact-the-planning-team/>

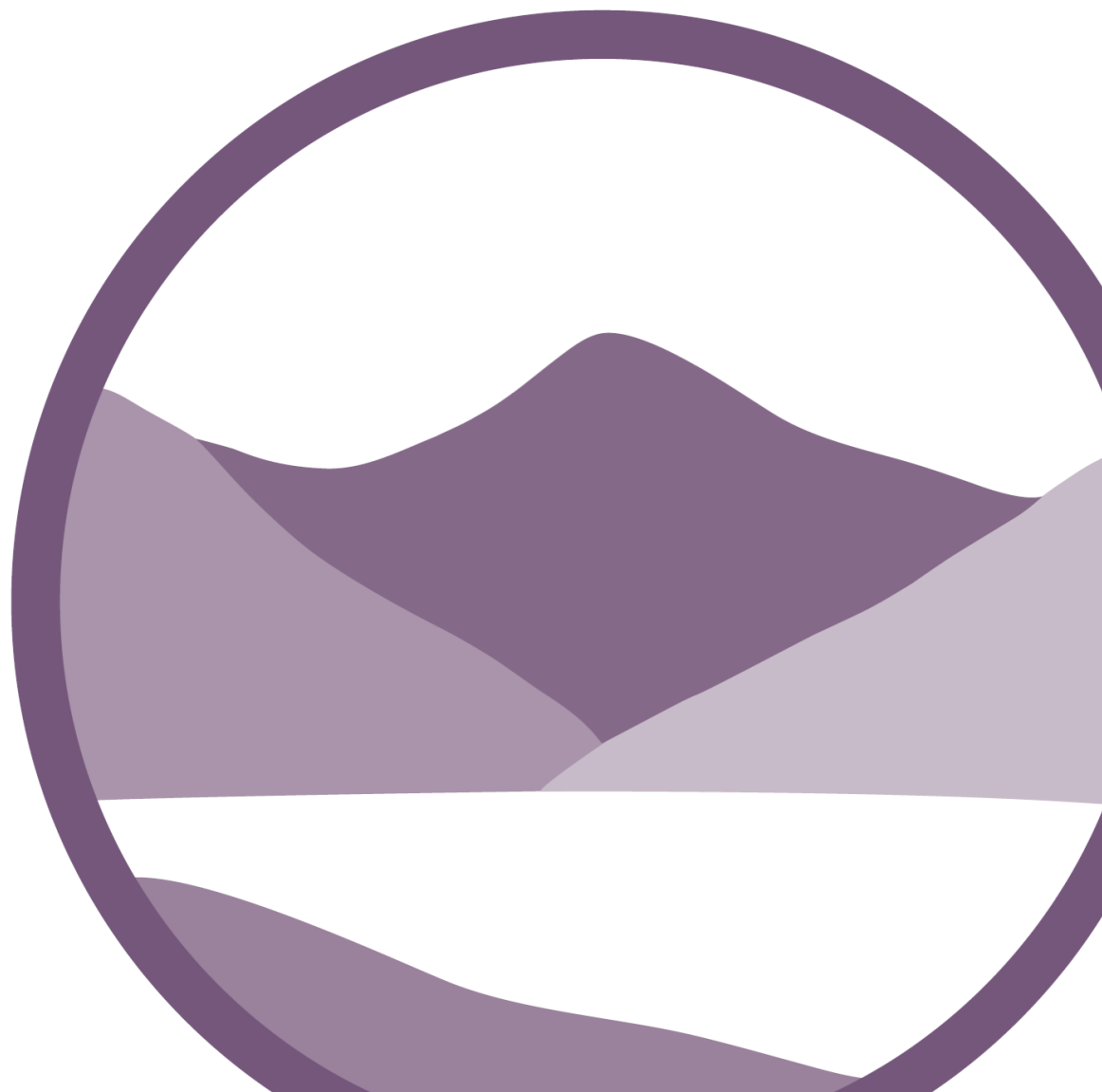
Contacting us

You can contact us in a number of ways:

Phone us: For general enquiries there is a duty planner available 9.30am - 12.30pm (Monday to Friday) to talk to on 01539 724555.

Email us: Email us at planning@lakedistrict.gov.uk

See us: We run regular planning surgeries in Gosforth and Keswick where you can meet an officer face to face. These are first come first served, so there's no need to book, just turn up (although you might need to wait). Check [our website](#) or call us for details.



APPLICATION FORM FOR CERTIFICATE OF LOCAL AFFORDABLE HOUSING NEED

The Lake District National Park Authority will only use the information provided on this form for processing your application. Your details, in relation to this application will be removed from our files no later than 24 months after the submission of your application. We will not transfer your Personal Data except where there is a legal obligation to do so.

PART 1 PERSONAL DETAILS

Please provide the following information for each applicant who would be a named party to the agreement with LNDPA (not children). This part of the form will be retained by Lake District National Park Authority.

Applicant One – MAIN APPLICANT AND CONTACT	
Title	
First names in full	
Surname	
Current address	
Date of birth	
Home phone number	
Mobile phone number	
Email address	
Number and ages of dependent children	
Applicant Two	
Title	
First names in full	
Surname	
Current address	
Date of birth	
Home phone number	
Mobile phone number	
Email address	
Number and ages of dependent children	

PART 2 ASSESSING HOUSING NEED

2.1 Please tell us the number of people living in your home who would be moving to the new house

Age	0-4	5-9	10-14	15-19	20-29	30-39
Male						
Female						
Age	40-49	50-59	60-69	70-79	80-89	89+
Male						
Female						

2.2 What best describes the household that would be moving?

- ☐ Single ☐ Family, young children
☐ Couple ☐ Family, young children
☐ Other (please explain)

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2.3 HOUSING NEED

Are you in need of another home in the Parish?

- ☐ Yes, now
☐ Yes, within 1 year
☐ Yes, within 3 years
☐ Yes, within 5 years
☐ No

2.4 REASON FOR HOUSING NEED

Why do you need to move (you can give more than one reason)?

- 1 ☐ 1st independent home
- 2 ☐ Couple setting up home together
- 3 ☐ Present home too small
- 4 ☐ Present home too large
- 5 ☐ Present home too expensive
- 6 ☐ Private tenancy ending shortly
- 7 ☐ Private tenancy, need more security
- 8 ☐ In tied housing, need more security
- 9 ☐ Family break up
- 10 ☐ Cannot manage stairs or other access barrier
- 11 ☐ Present home in poor condition
- 12 ☐ Renting, would like to buy
- 13 ☐ Moved away and wish to return
- 14 ☐ Disabled, need specially adapted home
- 15 ☐ To be closer to a parent or dependent
- 16 ☐ To be closer to employment
- 17 ☐ Other please explain

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Which of these is the main reason for moving?

Number ☐

2.5 HOUSING CIRCUMSTANCES

What are your present housing circumstances?

- ☐ Own your home outright
- ☐ Own your home with a mortgage
- ☐ Renting from the Council or a Housing Association
- ☐ In shared ownership with a Housing Association
- ☐ Renting from a private landlord
- ☐ In housing tied to your job
- ☐ Living with parents or relatives
- ☐ Lodging with another household
- ☐ Other (please explain)

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2.6 In what type of home do you currently live (e.g. flat, semi-detached, terraced etc?)

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2.7 How many bedrooms does your present home have? ☐

2.8 In what condition is your current home?

- ☐ Very Good ☐ Good
- ☐ Fair ☐ Bad ☐ Very bad

If bad or very bad, please explain why

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FINANCIAL INFORMATION

2.9 RENTING

Do you receive housing benefit?

- ☐ Yes ☐ No

2.12 If you rent your current home please tell us how much rent you pay per week

- ☐ Less than £50 ☐ £51 to £75
- ☐ £76 to £100 ☐ More than £100

If over £100 per week state amount

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2.10 HOME OWNERS

If you own your current home, please tell us how much you think it is worth

- ☐ Less than £75,000
- ☐ £75,000 to £100,000
- ☐ £100,000 to £125,000
- ☐ £125,000 to £150,000
- ☐ £150,000 to £200,000
- ☐ £200,000 to £250,000
- ☐ £250,000 to £300,000
- ☐ Over £300,000

If over £300,000, how much do you think it is worth?

£.....

2.14 Do you have a mortgage on your current home?

- ☐ Yes ☐ No

If yes how much do you still owe

£.....

2.11 COUNCIL TAX BAND

What is your Council Tax Band?

- ☐ A ☐ B ☐ C ☐ D
☐ E ☐ F ☐ G ☐ H

2.12 INCOME

Please tell us the total weekly or monthly take home income of the household wishing to move. Include all sources of income including wages, pension, Child Benefit, Working Families' Tax Credit, Jobseekers allowance etc. but do not include Housing Benefit or Council Tax benefit. (Please tick one box only)

Total Weekly household income

- | | |
|---|---------------------------------------|
| ☐ Less than £100 | ☐ £101 to £150 |
| ☐ £151 to £200 | ☐ £201 to £250 |
| ☐ £251 to £300 | ☐ £301 to £350 |
| ☐ £351 to £400 | ☐ £401 to £450 |
| ☐ £451 to £500 | ☐ £501 to £550 |
| ☐ £551 to £600 | ☐ £601 to £650 |
| ☐ £651 to £700 | ☐ £701 to £750 |
| ☐ £751 to £800 | ☐ over £800 |

Or Total Monthly household income

- | | |
|---|---|
| ☐ Less than £433 | ☐ £434 to £650 |
| ☐ £651 to £866 | ☐ £867 to £1083 |
| ☐ £1084 to £1300 | ☐ £1301 to £1516 |
| ☐ £1517 to £1733 | ☐ £1734 to £1950 |
| ☐ £1951 to £2166 | ☐ £2167 to £2383 |
| ☐ £2384 to £2600 | ☐ £2601 to £2816 |
| ☐ £2817 to £3033 | ☐ £3034 to £3254 |
| ☐ £3255 to £3466 | ☐ over £3467 |

2.13 YOUR SAVINGS

Do you have any savings or other capital that could be used towards the purchase of the home

- | | |
|---|---|
| ☐ No savings | ☐ under £5,000 |
| ☐ £5,000 to £10,000 | ☐ £10,000 to £20,000 |
| ☐ £20,000 to £25,000 | ☐ Over £30,000 |

If Over £30,000, state how much

£.....

2.14 YOUR EMPLOYMENT

How many people in the household wishing to move are: (please enter the number of people in each category)

- ☐ Working Full time
☐ Working Part time
☐ Unemployed and seeking work
☐ Unemployed but not seeing work
☐ Retired
☐ In full time further/higher education
☐ Other (please explain)

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2.15 Please list the occupations in your household and state the average miles travelled to work.

Occupation	Miles to work
.....	
.....	
.....	

2.16 Does any of the family work from home?

- ☐ Yes ☐ No

In which villages/towns does your household work?

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2.17 TYPE OF HOUSING NEED

What type of home do you need?

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed
House	☐	☐	☐	☐	☐
Bungalow	☐	☐	☐	☐	☐
Flat	☐	☐	☐	☐	☐

Other (please explain)

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2.18 Are you registered on the Local Authority housing register/waiting list?

☐ Yes ☐ No

2.19 Are you registered on any other private landlord waiting list?

☐ Yes ☐ No

2.20 Does anyone in the household wishing to move need:

- ☐ Access for wheelchair
- ☐ Accommodation on one level
- ☐ Sheltered housing with warden
- ☐ Help with personal care

2.21 What would best suit your housing need?

- ☐ Renting
- ☐ Residential care
- ☐ Buying on the open market
- ☐ Shared ownership
- ☐ Self build scheme
- ☐ Other – please state what

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PART 3 OTHER INFORMATION

This part of the form will be sent to ***

3.1 Does any of the proposed household work (employed or self-employed) in the Locality Defined?

☐ Yes ☐ No

If yes how long has that person worked in the Locality Defined?

☐ Years ☐ Months

3.2 Have any of the proposed household been offered work in the Locality Defined?

☐ Yes ☐ No

3.3 Are you a former resident of the Locality Defined who wishes to return?

☐ Yes ☐ No

3.4 Did you (the main applicant) live permanently in the Locality Defined at any time before the age of 18?

☐ Yes ☐ No

If yes for how many years (total) ☐

3.5 Have you (the main applicant) lived permanently in the Locality Defined at any time since the age of 18?

☐ Yes ☐ No

If yes for how many years (total) ☐

3.6 Do you currently live in Locality Defined?

☐ Yes ☐ No

If yes for how many years have you been living here permanently and continuously up to now

☐

3.7 Do you currently own any properties anywhere?

☐ Yes ☐ No

If so state approximate total value

£.....

3.8 Would you need to sell your home to take part in the affordable housing scheme?

☐ Yes ☐ No

3.9 If you moved out of your current accommodation, would this then be available for someone else with a local housing need?

☐ Yes ☐ No

If yes explain

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3.10 Do you have any other family living permanently in the Locality Defined who are not included in this application?

☐ Yes ☐ No

If yes, is this:

- ☐ Parent(s)/guardian(s)
☐ Grandparent(s)
☐ Brother(s) or Sister(s)
☐ Uncle(s) or Aunt(s)
☐ Other please state

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3.11 OTHER CONTRIBUTION TOWARDS THE PROJECT

Have you got any skills that might help to reduce the costs of the new home? (E.g. builder, architect etc). If so please state what this is and what you anticipate this would save on construction costs.

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3.12 If you are successful then are you in a position to become involved immediately and make your application for finance, or does your involvement depend on something else? (E.g. sale of a property)

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3.13 What price range do you think you can afford?

Please take into account

A – Any savings and capital

B – The amount you think you can borrow (we recommend that you take advice from a building society)

C – The value of any practical contribution you can make to the project

- ☐ Under £75,000
☐ £75,000 to £100,000
☐ £100,000 to £125,000
☐ £125,000 to £150,000
☐ £150,000 to £175,000
☐ £175,000 to £200,000
☐ £200,000 to £250,000
☐ Over £250,000 – please state

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Explain how this would break down between A, B and C

A

B

C

Application for Certificate of Local Housing Need

The dishonest provision of information to the Lake District National Park Authority with the intention of securing for yourself or others the provision of housing accommodation is a criminal offence contrary to the Fraud Act 2006.

I/we have read the above and confirm that I/we have provided accurate and up-to-date information relating to my/our application for a certificate that I/we am/are in local housing need. I/we understand that if it is found that false information has been dishonestly given, this may render me/us liable to prosecution.

Signed: _____ NAME

Date: _____

Signed: _____ NAME

Date: _____