

Affordable Housing Supplementary Planning Document

November 2025



Bassetlaw
DISTRICT COUNCIL
— North Nottinghamshire —

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1.0 Introduction

- 1.1 The cost of housing varies across Bassetlaw, access to affordable housing can be an issue and affordability issues are not equal across the district. The Housing and Economic Development Needs Assessment (produced as evidence to inform the Local Plan) identified a need for 214 rented affordable homes per year over the Plan period and there are currently 4908 households on the District Council's affordable housing register. This gives a scale of the need for affordable housing district-wide.
- 1.2 The benefits of adequate affordable housing provision are not limited to being low cost to the occupants. Affordable housing also helps to provide long-term, safe and needs-appropriate housing for people whose needs are otherwise not met by housing that is available on the market.
- 1.3 The delivery of more affordable homes is a key priority for the Council, with both the Planning and Housing services playing a key role in striving to achieve higher rates of delivery and at a high build quality.
- 1.4 The provision of more affordable homes is therefore a key issue for the district. The purpose of this Supplementary Planning Document (SPD) is to provide detailed guidance on the delivery of new affordable housing in Bassetlaw to support the Council, developers, housing providers and local communities. The SPD supplements the Local Plan but is not policy, however on adoption it will be a material consideration in the determination of planning applications.
- 1.5 The overall objectives of the SPD are:
 - To provide clear and transparent guidance on the application of Local Plan Policies ST27 and ST28 to assist those proposing developments to make successful planning applications and improve the delivery rates of affordable housing in Bassetlaw.
 - To deliver a better balance between the affordable housing need and the supply of affordable accommodation with particular reference to location, housing mix and tenure type proposed on developments.
 - To improve the quality and range of affordable housing options available within the district.
 - To secure improved housing affordability through the provision of a broad range of different forms of affordable housing.
 - To promote new and innovative approaches to the delivery of affordable housing.
 - To help sustain and improve the vitality, vibrancy and quality of life of local communities.

2.0 Policy Context

- 2.1 The National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG) requires local authorities to deliver a sufficient number and range of homes to meet the needs of present and future generations.

- 2.2 Paragraph 63 of the NPPF states “Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes .”
- 2.3 Paragraph 64 then goes on to say “Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required), and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities.”
- 2.4 This is clarified by Paragraph 65 which states “Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.”
- 2.5 The Bassetlaw Local Plan as well as ‘made’ Neighbourhood Plans form part of the development plan for the district. The delivery of affordable housing is a key element of the strategies of the Local Plan as well as Neighbourhood Plans.
- 2.6 Policy ST27 of the Local Plan aims to secure affordable housing through major residential development and provide opportunities for affordable housing to come forward on ‘exception sites’. Neighbourhood Plans may also set local policies on affordable housing, informed by local circumstances and a Local Housing Needs Assessment. Policy ST28 provides the policy framework for securing an appropriate affordable housing mix from new development.

3. Role of the Council and other organisations

- 3.1 The Council has two important but distinct roles in the provision of affordable housing, as the local planning authority and as the housing authority.
- 3.2 As local planning authority, the Council has an adopted Local Plan setting out policies and requirements to support the provision of affordable housing, will determine planning applications and lead on the preparation of Section 106 agreements.
- 3.3 As the housing authority, the Council will provide advice on local housing need, input into the preparation of legal agreements, allocate dwellings to eligible households and, in some cases, own and manage affordable housing stock. The Council also takes a proactive role in developing affordable housing and working with Registered Providers and communities to support and facilitate the delivery of affordable housing. This can involve the direct development of affordable

housing, delivery through renovation, or the regeneration of wider areas which can include affordable housing delivery.

- 3.4 Other Registered Providers of affordable housing are Housing Associations, a number of which operate in Bassetlaw. Registered Providers may develop their own stock or purchase affordable dwellings, or land, that becomes available on residential sites.
- 3.5 Developers are advised to contact the Council at an early stage in the planning process, preferably at pre-application stage, for more detailed advice on the provision of affordable housing in connection with development proposals.
- 3.6 Where the affordable housing is to be transferred to a Registered Provider (RP), early discussions should be held with them on the layout and specification e.g. space standards. This includes Bassetlaw District Council which may wish to explore a first refusal option with a prospective developer.

4. What is Affordable Housing?

- 4.1 The NPPF provides the following, specific definition of affordable housing:

Affordable housing

Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) Social Rent: meets all of the following conditions: (a) the rent is set in accordance with the government's rent policy for Social Rent; (b) the landlord is a registered provider; and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision.

b) Other affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the government's rent policy for affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

(c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

(d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below

local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision or refunded to government or the relevant authority specified in the funding agreement.

- 4.2 Additionally, First Homes are a specific kind of discounted market sale housing and are considered to meet the definition of 'affordable housing' for planning purposes (as established through a Written Ministerial Statement, May 2021).
- 4.3 Housing, which may be viewed as 'affordable' (i.e. it is cheaper in some way than market housing) but which is not identified in the NPPF/Written Ministerial Statement definition of affordable housing is not affordable housing and would not be considered as such in terms of applying the policies of the Local Plan.

5. Affordable Housing Mix

- 5.1 Policy ST27 requires an appropriate mix and type of affordable housing from relevant new development. The Council's starting position for discussion about affordable housing mix is the latest Housing and Economic Development Needs Assessment or the Housing Needs Assessment for a made neighbourhood plan.
- 5.2 Over time, the demographics of Bassetlaw are expected to change, and the housing needs profile is likely to follow. As such it may be necessary to evolve the mix of housing provision over the Plan period. Moreover, there will be sites where an alternative mix to that identified in Policy ST27 is required. This may be for example where a site is particularly large, thus providing for more opportunities to stretch the mix profile or on much smaller schemes where a limited mix would be more appropriate.
- 5.3 In all cases, up to date evidence of local need will be required to justify a proposed mix that differs significantly from the Council's needs assessment.

First Homes

- 5.4 First Homes are a specific type of discounted market sale housing:
 - must be discounted by a minimum of 30% against the market value; and after the discount has been applied, the first sale of the home must be at a price no higher than £250,000 (or £420,000 in Greater London).
 - must be prioritised for first-time buyers (as defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyers) and not be sold to any household with a combined annual income in excess of £80,000 (or £90,000 in Greater London).
- 5.5 Policy ST27 reflected the content of the NPPF, September 2023 which was that the first 25% of affordable homes secured should be for First Homes, followed by 25% for affordable housing for rent and 50% affordable home ownership. However, the 2024 NPPF states that this minimum delivery requirement for First Homes no longer applies.

- 5.6 First Homes are discounted market sale housing and an affordable home ownership product. To fulfil the NPPF and Policy ST27 requirement, the affordable housing tenure split in the district is 25% for affordable housing for rent and 75% for affordable home ownership. The specific affordable housing mix, which can include First Homes, will be agreed on a site by site basis based on local housing needs.
- 5.7 The approach taken to First Homes will follow that set out in Planning Practice Guidance. To prioritise available homes for local people for the first 3 months of marketing such homes, occupants of First Homes will be required to meet the following Local Connection criteria:

Bassetlaw First Homes Local Connection Criteria

1. Applicants shall currently live or have lived in Bassetlaw within the last three years for a continuous period of not less than one year. Proof of address and residency will be required; **or**
2. Applicants who leave Bassetlaw to pursue higher or further education opportunities will be eligible to apply for a First Home for up to three years after their exit/graduation from a higher/further education course provided they can prove they were resident in Bassetlaw (under the circumstances in point 1 above), prior to leaving for higher/further education opportunities; **or**
3. Applicants living outside the district shall currently be permanently employed in Bassetlaw or be able to demonstrate a contract with a local employer for a continuous period of not less than one year. Proof of employer/employment status will be required; **or**
4. Applicants shall qualify as a Key Worker - a public sector employee who provides frontline services in health, education and community safety including NHS staff, teachers, police, firefighters, social care and childcare workers, under the circumstances in point 3 above; **or**
5. Applicants shall have close family, defined as parents/legal guardians, siblings and or adult children, who have lived in the district as their main place of residence for the last consecutive five years; **or**
6. Applicants are a serving member of the Armed Forces, spouses, or civil partners of current members of the Armed Forces, spouses, or civil partners of a deceased member of the Armed Forces (if their death was wholly or partly caused by their service) and veterans within five years of leaving the Armed Forces. (Other local connection criteria are disapplied for those meeting the Armed Forces criteria); **or**
7. Applicants should provide documentary evidence that can be verified to show that they have special circumstances through which a local connection has been established with the district. This will be reviewed on a case-by-case basis by the Planning Service, who will make a decision on whether a connection has been established. Where the evidence is unclear and/or ambiguous the Head of Service will review and make a decision.

Discounted Market Sales Housing Local Connection Criteria

- 5.8 The Local Connections Criteria for this type of affordable home ownership product is slightly different – applicants will be expected to meet one of the following:

1. Applicants who have lived in the district as their main place of residence for the last consecutive three years. Proof of address and residency will be required; **or**
2. Applicants who have been permanently employed in Bassetlaw for the last three years. Proof of employer/employment status will be required; **or**
3. Applicants who have lived in the district as their main place of residence for at least 5 out of the last fifteen years and have close family, defined as parents/legal guardians, siblings and or adult children, who have lived in the district as their main place of residence for the last consecutive five years; **or**
4. Applicants are a serving member of the Armed Forces, spouses, or civil partners of current members of the Armed Forces, spouses, or civil partners of a deceased member of the Armed Forces (if their death was wholly or partly caused by their service) and veterans within five years of leaving the Armed Forces. (Other local connection criteria are disapplied for those meeting the Armed Forces criteria).

5.9 Prior to the disposal of any First Homes or Discounted Market Sale Home the market sale value for the purposes of calculating the discounted value should be agreed. This should take place as soon as practicable once construction of a dwelling is complete i.e. when a property is watertight with the interior walls plastered.

5.10 In all cases the Council will require the owner of the property to obtain three written valuations from local estate agents/valuers confirming the price the dwelling would be marketed for on the open market to a willing buyer, free from encumbrances.

5.11 The Council will consider the valuations and respond within 28 working days of receipt. If the Council does not respond within 28 days, then the average of the three market valuations will be used as the market value of the property.

5.12 Should the Council object, written confirmation will be provided and the Council will work with the owner to agree an acceptable market value. If agreement is not possible the market value will be determined by an Expert Valuer appointed by agreement of both parties. The cost of the Expert Valuer will be met by the developer/owner.

6. Off Site Provision/Financial Contributions

6.1 National and local planning policy expect that affordable housing will be provided on site. The provision of affordable housing on site provides a degree of certainty over the delivery of affordable housing and also helps to support mixed and integrated communities.

6.2 However Policy ST27 recognises that there may be exceptional circumstances where affordable housing cannot feasibly be provided on site. In the first instance, where on site provision is challenging, the Council will work with applicants to consider altering the tenure if satisfactory provision on site would present a better solution for the delivery of affordable housing than the provision of a financial sum.

- 6.3 A combination of on-site provision and a financial contribution may also be appropriate. This will be determined on a site by site basis.
- 6.4 A financial contribution will also be sought where the on site requirement of Policy ST27 would result in a fraction of an affordable house being provided. In these cases, a commuted sum equivalent to the fraction of the affordable dwelling will be sought alongside any on site provision.
- 6.5 The approach taken to the financial contribution broadly aligns with CIL principles being calculated on a square metre basis of Gross Internal Floor Area (GIFA), defined by RICS guidance to include internal communal corridors and means of access but excluding non-saleable rooms within special need proposals, e.g. sheltered or extra-care schemes.
- 6.6 It secures broadly equivalent financial contributions to the cost of providing on site affordable housing, provides transparency and ensures financial viability taking account of CIL charges and local standards in the Local Plan.
- 6.7 Gross financial contributions will be calculated at the rate of £577 per square metre of the total Gross Internal Floor Area of all net additional dwellings (either new-build or conversions). This is based on the value of an average house in Bassetlaw identified by the Whole Plan Viability Assessment undertaken for the Local Plan.
- 6.8 This figure will be updated on 1 April each year in line with the BCIS All-in Tender Price Indices rounded to the nearest whole pound. The financial contribution rate will be kept under review to reflect the changing cost of affordable housing provision.

Example

An eligible development comprises 5 x market houses @ 100 sqm GIFA and 5 x market houses @ 85 sqm GIFA.

Total GIFA = 925 sqm x £577 = £533,725 financial contribution in lieu of on-site affordable housing.

- 6.9 Where on-site calculations result in less than a whole unit of affordable housing the calculation will require two stages:

Example

Stage 1: Calculating the eligible GIFA

Eligible GIFA = Total GIFA x Policy Percentage of Affordable housing

Stage 2: Calculating the Affordable Housing GIFA shortfall

GIFA Affordable Housing Shortfall = Eligible GIFA – Total GIFA onsite Affordable Housing Financial Contribution for GIFA Affordable Housing Shortfall (if greater than zero) = GIFA Affordable Housing Shortfall x £577

- 6.10 Off-site financial contributions for affordable housing will be ring-fenced and used to meet affordable housing needs within the district. In doing so the Council will ensure that:
- Value for money will be achieved
 - That any proposed spending will result in preserved subsidised affordable housing in the long-term, and/or
 - Steps will be taken to ensure the recycling of capital subsidy and associated financial gain, should any of the subsidised affordable housing be lost to the open market.

7. Vacant Buildings Credit

- 7.1 Paragraph 65 of the NPPF states that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. Footnote 30 explains that this is equivalent to the gross floorspace of the existing buildings and that it does not apply to vacant buildings that have been abandoned.
- 7.2 Vacant building credit will only be applied where the building has not been abandoned and has not been demolished prior to the date when an application has been granted. The Planning Obligations PPG provides guidance on the circumstances that should be taken into account when assessing if a building is abandoned.
- 7.3 The PPG does not provide a definition of “vacant building”. The Council will apply the Community Infrastructure Levy definition, which is a building that has not been in continuous use for any 6 month period during the last 3 years. The whole building must have been vacant, not just a single planning unit or part of the building. The building must be vacant at the time the application is validated.
- 7.4 The purpose of the Vacant Building Credit is to incentivise the development of brownfield land. It will therefore not apply in situations where there is an extant consent on the site, where consent has recently lapsed, or where a site has had an application considered since the introduction of the PPG and the vacant buildings credit was not sought.
- 7.5 The PPG explains that the courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as: the condition of the property, the period of non-use, whether there is an intervening use; and any evidence regarding the owner’s intention.
- 7.6 National guidance does not specify how to calculate floorspace. For consistency Gross Internal Area (GIA) will be used for both vacant and proposed floorspace. An example calculation is included below.
- 7.7 The Local Plan states that rural exception sites are those of a small scale where the principle of market housing would not ordinarily be accepted but where affordable housing that meets a locally identified need could be provided (see Section 8). Therefore, the vacant buildings credit will not be applied where a

proposal would result in no affordable housing being provided on an exception site. Where the cost of redeveloping a vacant site to be used as an exception site would make the delivery of solely affordable housing unviable, Policy ST27 provides for some market housing to form part of the mix to cross-subsidise the affordable housing provision.

- 7.8 Applicants who consider that their proposals are eligible for vacant buildings credit should set out their evidence in a Vacant Buildings Credit Statement as part of their planning application. The information that should be contained in the statement is set out within the example below.
- 7.9 If development viability remains an issue following application of the vacant buildings credit, then a viability appraisal would need to be submitted if a further reduction in the provision of affordable housing is sought. It should reflect the impact of vacant buildings credit and would need to demonstrate why the net affordable housing requirement cannot be met.
- 7.10 Existing 'in-use buildings' act as a credit on the 'chargeable development' Community Infrastructure Levy charge. Each square metre of existing building on the site, reduces the CIL by one square metre. The CIL Regulations define the credit as applying to 'in-use buildings' and buildings meet this definition if they are:
- present on the day that planning permission first permits the development; and
 - contain a part that has been in lawful use for a continuous period of at least six months within the period of three years ending before the planning permission first permits the chargeable development.
 - The day planning permission first permits the chargeable development is the day the last reserved matter is approved (unless the applicant and the local planning authority agree to defer until pre commencement conditions are discharged). Applicants should not seek to claim 'in use' buildings for CIL credit, while at the same time proposing they are vacant for the benefit of vacant buildings credit.

Calculating the Credit

- 7.11 Once the Council concludes that vacant buildings credit should be applied, the following process will apply:
1. Confirm to the applicant that the vacant buildings credit will be applied
 2. Calculate the Gross Internal Area (GIA) floorspace of the existing building/s as a proportion of the proposed GIA floor space of the proposed redevelopment to give the Credit Proportion (Note: for wholly residential schemes this will be the total GIA of all proposed dwellings, for mixed use schemes the GIA of the proposed future residential elements only will be used). All calculations will be rounded to the nearest square metre
 3. Apply this Credit Proportion as a reduction to the Affordable obligation

Where a scheme should provide for .5 or more of an affordable unit, the figure should be rounded up to the nearest whole.

Example

A proposal is for a 25 unit (1875sqm @ 75sqm each) 2 bed housing scheme on a Brownfield site on which currently sits a vacant building of 300sqm.

Apply the Credit Proportion is $(300\text{sqm} / 1875) = 0.16$ proportion or 16%.

16% shall be deducted from the on-site affordable housing requirement as follows: 16% of 5 AH = 0.8. 5 minus 0.8 = 4.2 rounds to 4. Therefore, the total number of affordable units required is 4 with the 0.2 sought as an equivalent financial contribution.

7.12 For off-site contributions which have been exceptionally justified, the Council's off site affordable contributions will be applied to the net number of affordable dwellings which would be required after the credit has been applied. The affordable housing obligations will be calculated as a representative mix of the overall residential development for the purposes of calculating any subsequent commuted sum.

8 Rural Exception Sites

8.1 A Rural Exception site sits outside, but adjacent to the development boundary or built form of a rural settlement as defined by Policy ST2 of the Local Plan. These sites would not normally be given planning consent but can be considered for affordable housing.

8.2 Rural Exception Sites should be small scale, proportionate to the size of the adjacent settlement and form a logical extension, be supported by local services and preferably public transport. Housing development in the countryside, detached from a settlement will not be supported as an exception site. Sites must comply with other relevant planning considerations, in terms of design, utilities connections and highways management for example.

8.3 The justification for an exception site is that the housing will meet the needs of the adjacent settlement or those of the wider Parish. Proposals must be informed by a Local Housing Needs Survey undertaken at the developer's expense, with the methodology and approach agreed with the District Council. The size and tenure of dwellings to be provided on a rural exception site should be discussed with Housing Services at an early stage.

8.4 The Council will use the following 'local occupancy clause' to determine suitability for both initial and subsequent occupation of dwellings on rural exception sites.

The following persons are eligible to occupy a vacant dwelling within the development, in the following order of priority:

1. Persons who: (a) Throughout the period of at least three years immediately prior to the dwelling becoming vacant have had their main place of residence within the Parish; or (b) For at least three years during the period of five years immediately prior to the dwelling becoming vacant, have had their main place of residence within the Parish.

2. Persons who throughout the period of at least three years immediately prior to the dwelling becoming vacant have been employed in permanent full-time work within the Parish.
3. Persons who have a close family member (e.g. parent, child, brother or sister) who has had their principal place of residence in the Parish for a period of at least five years prior to the dwelling becoming vacant.

If after a 3 month initial marketing period, the vacancy cannot be filled in accordance with the above process then the same criteria will be applied to the adjacent parishes.

- 8.5 The Right to Acquire (RTA) is a scheme which provides tenants of Registered Providers the right to buy the home they currently rent at a discount. However, the RTA does not apply to small rural settlements and therefore would not apply to rural exception sites associated with them. This matter will ordinarily be dealt with by the inclusion of clauses in the S106 Agreement to ensure the homes remain affordable in perpetuity. The expectation in relation to affordable home ownership is that a limitation is put in place to cap the purchase (through staircasing) to 80% of the property (70% for First Homes).
- 8.6 Policy ST27 provides scope for a small element of market housing to be provided on site where this is necessary to cross subsidise the delivery of affordable housing. Typically, the provision of market homes will be restricted to no more than 20% of the overall number of homes on a single site – the Council will not support any greater number of market homes than is necessary to facilitate the delivery of affordable housing. The amount proposed would need to be robustly justified through an open book viability assessment. Any independent assessment will need to be fully funded by the applicant regardless of whether the scheme can proceed or not.

9 Additionality

- 9.1 Additionality is used to describe the provision of affordable homes above and beyond that required by Policy ST27, secured as part of a S106 Agreement. For example, the policy requirement is for 25% of homes on a major greenfield site to be affordable, but the whole site is to be sold to a Registered Provider who wishes to provide all of the homes as affordable. In this example, there will be 75% Additionality.
- 9.2 The Council is supportive of securing Additionality on sites within the district, subject to the overall proposal creating mixed and balanced communities and not having any adverse impacts upon local infrastructure.
- 9.3 Additionality is usually made possible by the Registered Provider being in receipt of some form of grant funding for example through the National Affordable Homes Programme currently administered by Homes England. This SPD does not seek to hinder the eligibility of grant under such a programme, it seeks to act as a guide as to how Additionality in Bassetlaw is intended to be administered.

- 9.4 In those circumstances where a developer intends to deliver market housing as well as the affordable housing requirement but then sells the market housing element to a Registered Partner the proposal would in effect be delivering 100% affordable housing across the site. In this case the Council would wish to achieve a balanced mix of a full range of affordable housing, the starting point would be the affordable housing mix set out in section 5 of this SPD. In these circumstances, affordable housing would need to be secured through a S106 agreement, but without the typical triggers for delivery.
- 9.5 Where Additionality is proposed by a developer within Bassetlaw the Council will exercise first refusal to acquire the homes at a discounted market value rate.
- 9.6 Where a Registered Provider acquires the Additionality homes, the Council would wish to exercise first refusal in relation to Nominations Rights to those homes from the Housing Register which it maintains.

10. Making a Planning Application

- 10.1 Applications for planning permission that involve affordable housing should include sufficient relevant information for their determination. The Council provides a pre-application service and encourages applicants to use this service [Pre-Application Advice | Bassetlaw District Council](#).
- 10.2 For outline applications, the Council expects the submission of an Affordable Housing Statement to set out the percentage and/or number of affordable dwellings (depending on whether the precise number of dwellings is known) including tenure, size, mix and details of floorspace at plot (where possible) and tenure level. At reserved matters stage it is expected that affordable dwellings, including tenure, would be clearly identifiable at plot level. Details of the Registered Provider, if known, should also be provided.
- 10.3 For applications for full permission the Council expects the Affordable Housing Statement to include full details of the proposed affordable housing, including tenure and size, mix, clearly identifiable at plot level. Details of the Registered Provider, if known, should also be provided.
- 10.4 In terms of phasing, the affordable housing requirement will be applied to each phase and should be provided at the same time as open market housing to ensure that there is no imbalance in the supply of affordable housing in the creation of new communities.
- 10.5 Developments that seek to delay provision of affordable housing to the end of the development will generally not be considered favourably unless exceptional circumstances apply. This could include where significant infrastructure is required to open up a site, the Council may permit the sale of an agreed percentage of market homes before the sale or transfer of affordable homes with the remainder to be provided in tranches alongside the market housing.

11. Securing Affordability for the Long Term

- 11.1 The Council will expect affordable housing, including financial contributions in lieu, to be secured by a S106 agreement. The Heads of Terms of any agreement will need to be established before determination of a planning application. This will enable a summary of all Heads of Terms to be reported to Planning Committee where appropriate. The issuing of the planning permission is dependent upon the completion of the S106 agreement.
- 11.2 A Section 106 agreement will cover a number of matters in relation to affordable housing, including:
- The number of affordable dwellings;
 - The type, tenure and size (number of bedrooms) of dwellings;
 - Arrangements for ensuring that the housing remains affordable in perpetuity;
 - Phasing of the completion of dwellings;
 - How the affordable housing will be achieved e.g. through construction and transfer of units;
 - Occupancy criteria;
 - A mortgagee in possession clause
- 11.3 The NPPF definition of affordable housing makes it clear that most forms of affordable housing should remain affordable to future occupants. Affordable housing for rent (affordable rent and social rent) for example must include provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. Similarly, in respect of discount market sales housing, provisions should be in place to ensure that housing remains at a discount for future eligible households. Such provisions must be addressed in the S106 agreement.
- 11.4 Subsequent re-sale of First Home properties can only be made to those eligible for First Homes. Purchasers are eligible for the same percentage discount that applied initially but based on the home's market value at the time of sale. The buyer will need to meet First Homes eligibility criteria, including any local criteria. Once the property has been on the market for more than 3 months, a buyer will no longer have to meet local criteria. Further information is available at [First Homes scheme: first-time buyer's guide: Selling the property - GOV.UK](#)
- 11.5 A S106 agreement will set out the mechanisms for the occupancy and allocation of affordable properties. Nomination rights provide for the Council to nominate eligible persons for occupation of affordable dwellings for rent. The Council's housing service maintains a Housing Allocations Policy which sets out the way in which properties will be provided to eligible households. Those identified as being in most need will receive priority, within the terms of the S106 agreement. Nomination agreements are between the Council and Registered Providers. For specialist housing, nominations are via Adult Social Care, Nottinghamshire County Council.
- 11.6 The Council recognises that circumstances may change over the course of the development of a site and therefore some flexibility for varying terms of a sealed

Section 106 agreement is acknowledged, but this can cause uncertainty for communities and will only be agreed to where necessary.

- 11.7 Where a developer wishes to vary the number or mix of affordable dwellings set out in a S106 agreement, which would result in a lower or non-policy compliant provision of affordable housing, the Council will require a viability assessment to be submitted to justify the approach taken. Any independent assessment will be at the applicant's expense. Further details about viability assessment are within the Planning Obligations SPD.