

# First Homes: Planning Advice Note

## 1. Background

1.1 On 24th May 2021, the Government published a Written Ministerial Statement<sup>1</sup> that set out plans for delivery of a new type of affordable home ownership product called First Homes. To support the future development of First Homes, the Government also set out changes to national planning policy.<sup>2</sup>

1.2 First Homes are a specific kind of discounted market sale housing which must:

- be discounted by a minimum of 30% against the market value; and
- can only be sold to a person or persons meeting the First Homes eligibility criteria (see below); and
- after the discount has been applied, the first sale must be at a price no higher than £250,000 outside of London; and
- on the first sale, a First Home will have a restriction registered on the title of the property at HM Land Registry to ensure the discount (percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer.

1.3 This is the minimum criteria a First Home must meet and would be considered to meet the definition of 'affordable housing' for planning purposes.

1.4 The national eligibility criteria for purchasers of First Homes includes the following:

- a purchaser (or, if joint purchase, all the purchasers) of a First Home should be a first-time buyer<sup>3</sup>;
- and purchasers of First Homes, whether individuals, couples or group purchasers should have a combined annual household income not exceeding £80,000 in the tax year immediately preceding the year of purchase;
- and a purchaser of a First Home should have a mortgage or home purchase plan (if required to comply with Islamic Law) to fund a minimum of 50% of the discounted purchase price;
- and the First Home must be the buyer's main residence with restrictions on lettings being applied.

1.5 The First Homes Written Ministerial Statement does give local authorities or neighbourhood planning groups discretion to:

- Require a higher minimum discount of either 40% or 50% if they can demonstrate a need for this.
- Set lower price caps if they can demonstrate a need for this.
- Apply time limited eligibility criteria in addition to the national criteria described above, for example a local connection test, or criteria based on employment status.

---

<sup>1</sup> <https://questions-statements.parliament.uk/written-statements/detail/2021-05-24/hlws48>

<sup>2</sup> <https://www.gov.uk/guidance/first-homes>

<sup>3</sup> As defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first time buyers.

1.6 First Homes are the Government's preferred discounted market tenure and should account for a minimum 25% of affordable housing secured through planning obligations.

1.7 Uttlesford District Council requires the provision of 40% of the total number of residential units to meet the national definition of 'affordable housing' within all new residential developments that comprise 15 or more residential units or a site of 0.5 hectares and above.

1.8 To meet housing need the 40% affordable housing policy requirement must incorporate 70% affordable housing for rent, provided as either social or affordable rented housing. The remaining 30% required to meet demand for affordable home ownership and comply with national planning policy, which requires that at least 10% of homes should be available for affordable homes ownership. It was assumed to be provided as shared ownership housing where buyers purchase a share in a home and pay a below market rent on the share that they do not own.

1.9 The First Homes Written Ministerial Statement also introduced a First Homes exceptions site policy to encourage First Homes-led development on land that is not currently allocated for housing, replacing the entry-level exception site policy.

1.10 First Homes exception sites should be on land which is not already allocated for housing and should:

- a) comprise First Homes (as defined in the Written Ministerial Statement); and
- b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in the National Planning Policy Framework<sup>4</sup>, and comply with any local design policies and standards.

1.11 The First Homes exceptions site policy also allows a small proportion of market homes on the site at the local authority's discretion.

## 2. Purpose

2.1 The purpose of this advice note is to:

2.1.1. Clarify what a policy compliant affordable housing requirement on developments of 15 or more dwellings or a site of 0.5 hectares and above is following the implementation of the First Homes Written Ministerial Statement.

2.1.2 Set out the Council's position regarding those elements of the National criteria that can be amended by local authorities relating to the homes and purchasers of First Homes.

---

<sup>4</sup> They should not be permitted in National Parks, Areas of Outstanding Natural Beauty, land designated as Green Belt, or designated as rural under s.157 of the Housing Act 1985.

2.1.3 Clarify the Council's interpretation and position regarding the terms 'proportionate to the settlement' and 'small proportion of market homes' in relation to First Homes exceptions sites.

2.2 This Planning Advice Note will be reviewed in line with the review of the Local Plan, which is currently being undertaken to enable the new Local Plan to be adopted in 2024.

### **3. Policy Compliant Affordable Housing Mix**

3.1 A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes, subject to the transitional arrangements (see below).

3.2 Once a minimum of 25% of First Homes has been accounted for, social rent should be delivered in the same percentage as set out in the Local Plan.

3.3 The remainder of the affordable housing tenures should be delivered in line with the proportions set out in Local Plan policy.

3.4 The First Homes Planning Practice Guidance states that a policy compliant planning application should seek to capture the same amount of value as would be captured under a local authority's up-to-date published policy. It sets out that where a plan viability assessment shows the amount of value captured, this allows the total value captured under the policy to be calculated. This value can then be reallocated to a different affordable housing mix under the new policy<sup>5</sup>.

3.5 Currently the 40% affordable housing policy requirement consists of 70% affordable housing for rent and 30% affordable home ownership – assumed to be provided as shared ownership housing. As the 25% First Homes requirement can be accounted for within the 30% affordable home ownership element of the contribution, The following affordable housing contribution will be considered policy compliant:

**70% of the affordable units on new residential developments of 15 or more residential units or on a site of 0.5 hectares and above will be required as affordable housing for rent.**

**25% of the affordable units on new residential developments of 15 or more residential units or with a site of 0.5 hectares or more will be required as First Homes.**

**5% of the affordable units on new residential developments of 15 or more residential units or with a site of 0.5 hectares or more will be required as Shared Ownership Housing to continue to meet demand for affordable home ownership homes and from purchasers that do not meet the qualification criteria applied to First Homes.**

---

<sup>5</sup> First Homes Planning Practice Guidance, Paragraph: 014 Reference ID: 70-014-20210521

3.6 To ensure a compliant planning application captures the same amount of value as would be captured under the Local Plan:

**First Homes will be required at the 30% discount against the market value and the national price cap of £250,000 will apply.**

#### **4. Local Eligibility Criteria**

4.1 As part of planning obligations secured through section 106 agreements, local authorities can apply eligibility criteria to First Homes in addition to the national criteria described above.

In Uttlesford, the following additional local criteria will apply to all First Homes on initial sales and resales for a period of 3 months from when a home is first marketed:

**Households with an adult that at the time of marketing the First Home lives or works<sup>7</sup> in the Uttlesford district; or**

**Households with an adult that at the time of marketing the First Home is due to commence employment in the Uttlesford district: or**

**Households with an adult that at the time of marketing the First Home has a close family connection to the Uttlesford district (*parents, grandparents, children, siblings*)**

4.2 If a suitable buyer has not reserved a home after 3 months, the eligibility criteria will revert to the national criteria to widen the consumer base.<sup>6</sup>

4.3 In accordance with national Planning Practice Guidance, the local eligibility criteria will be disapplied for all active members of the Armed Forces, divorced/separated 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 services) and veterans within 5 years of leaving the armed forces.

#### **5. First Homes Exceptions Sites**

5.1 The First Homes Written Ministerial Statement and associated planning guidance allows for First Homes exceptions sites to come forward on unallocated land outside of a development plan so long as it meets the criteria set out above. As well as being adjacent to existing settlements, the criteria states that these sites must be 'proportionate in size' to the existing settlements.

5.2 National Planning Practice Guidance states that for decision making, what constitutes a proportionate development will vary depending on local circumstances

---

<sup>6</sup> Rural exception sites which are only allowed when there is a clearly identified need in the Parish in which they are located, will continue to have a local eligibility criterion that favours residents with a defined connection to the Parish for a set period of time.

and encourages local authorities to set policies which specify their approach to determining the proportionality of First Homes exceptions site proposals.

5.3 Uttlesford District Council will consider whether First Homes exceptions site proposals are 'proportionate' to an existing settlement as part of the assessment process for each First Homes exception site application which is submitted. In all instances this will not exceed 15 units or 0.5 hectares, and in smaller settlements<sup>7</sup> 15 units is likely to not be proportionate.

5.5 The First Homes exceptions site policy also allows a small proportion of market homes on the site at the local authority's discretion.

5.6 The starting point is that market homes are not required, especially given First Homes are not required to be discounted beyond the 30% minimum, however: Where it can be demonstrated to the satisfaction of the Council that market housing is essential to cross-subsidise the delivery of First Homes on First Homes exceptions sites: the proportion of market housing must not exceed 20% of the total number of homes; and the market and affordable homes must be indistinguishable in design and quality.

5.7 National Planning Policy Guidance allows small quantities of affordable housing products for one or more other form of affordable housing on a proposed First Homes exceptions site where evidence suggests that a significant local need exists. This evidence can be in the form of a local Housing Needs Assessment or the local authority Housing Register.

5.8 As Uttlesford District Council has significant local need for more affordable housing for rent to meet the needs of households on the Council's Housing Register, we expect **at least 25% of First Homes exceptions sites to provide affordable housing for rent to meet the needs of those households in the greatest housing need on the Council's Housing Register.**

## 6. Transitional Arrangements

6.1 National Planning Practice Guidance sets out that the First Homes policy requirement does not apply to decision making for the following:

- sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021;
- applications for full or outline planning permission where there has been significant preapplication engagement which are determined before 28 March 2022; and
- sites where neighbourhood plans are adopted/made under the transitional arrangements -submitted for examination before 28 June 2021 or have

---

<sup>7</sup> Smaller settlements are defined as those settlements not identified 2.2.1, 2.2.3 and 2.2.3 of the Local Plan 2005, i.e. not Saffron Walden, Great Dunmow, Stansted Mountfitchet, Elsenham, Great Chesterford, Newport, Takeley/Priors Green and Thaxted.

reached publication stage and subsequently submitted for examination by 28 December 2021.

6.2 These transitional arrangements also apply to permissions and applications for entry-level exception sites.

6.3 The First Homes requirement does not apply to applications made under section 73 of the Town and Country Planning Act 1990 to amend or vary an existing planning permission unless the amendment or variation in question relates to the proposed quantity or tenure mix of affordable housing for the development.

## **7. Key Documents**

### **Uttlesford Local Plan (2005)**

7.1 Policies H9, H10 and H11 set out the affordable housing and rural exceptions site policies.

7.2 The Council is in the process of producing a new Local Plan for adoption in 2024.

### **Housing Strategy (2021-2026)**

7.4 The Council's Housing Strategy 2021-2026 establishes the key priorities relating to housing for the Uttlesford district and the actions to be taken to address these priorities.