Occupancy Restriction Statement

YORKSHIRE DALES
National Park Authority

Applicants are advised that some new dwellings approved under the policies of the Yorkshire Dales Local Plan 2025-2040 will be subject to a legal agreement restricting occupancy to certain categories.

It is important that applicants understand the practical implications of entering into a legal agreement restricting the occupancy of the property to local occupancy. Since the restriction relates to occupancy, the limitation applies to persons residing in the property – there is no limitation on who can own the property. Nonetheless, where an occupancy restricted property is developed with owner occupation in mind, the market the property is available to will be restricted. This, in turn, may result in the property's valuation being depressed (experience suggests a 15-20% reduction in value is typical), potential delays in finding a buyer, and additional restrictions on mortgage availability.

If you have declared that your proposal falls within the definition of the Self-build and Custom Housebuilding Act 2015, the application must consist exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

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1. **I do/do not accept that the following development:**

……..

2. **Location:**

……..

will be subject to a Section 106 legal agreement restricting occupancy of the property to local occupancy (criteria set out in Appendix 8 of the Yorkshire Dales Local Plan 2025-2040 appended).

And, where the application is for a declared self-build dwelling, will be subject to a Section 106 legal agreement restricting occupancy of the property for the first 3 years to the self-builder.

Signed Agent/Applicant (please specify): ……

Date: ……

Please note if you do not agree to limit the occupancy of the proposed dwelling(s), the application is likely to be recommended for refusal due to it being in conflict with local development plan.

The Authority charges for work incurred by officers in drawing up an Agreement as follows:

Standard S106 Agreement	£600	**Variation to an existing S106 Agreement**	£100 per hour, subject to a minimum charge of £400
Complex S106 Agreement*	£100 per hour, subject to a minimum charge of £600	**Release from an existing S106 Agreement**	£400

Local Occupancy Housing

The qualifying criteria for a household occupying a dwelling subject to a local occupancy restriction are:

I. Existing resident(s) of the National Park establishing a separate household, purchasing a property for the first time, moving to a more manageable home because of elderly or health needs or requiring more space for a growing family; or,

II. A head of household who is or whose partner is in or is taking up permanent employment (minimum 16 hours) within the National Park or within 3 miles of the National Park boundary. Where a person is employed in a business that operates in multiple locations, their employment activities should take place predominantly within the National Park or 3 miles of its boundary, or,

III. A household moving to work in an already established business inside the National Park, or,

IV. A head of household who is or whose partner is or is going to be working full time in an established business from home within the National Park, or,

V. A household that has a child at a school within the National Park or a parish split by the park boundary, or,

VI. Householders currently living permanently in a dwelling which is either shared but not self-contained, overcrowded, or is otherwise unsatisfactory by environmental health standards and which is within the National Park (or in another part of a parish split by the National Park boundary) or,

VII. Elderly or disabled persons requiring sheltered or otherwise more suitable accommodation who already live permanently within the National Park (or in another part of a parish split by the National Park boundary or,

VIII. Persons having to leave tied accommodation within the National Park (or in another part of a parish split by the National Park boundary) or,

IX. Former residents of the National Park (or of another part of a parish split by the National Park boundary) whose case is accepted in writing by the Authority as having a need to return to the National Park or,

X. Persons caring for residents of the National Park.

Notes

- Occupation will be as a sole or main residence and not as a holiday home, second home or short-term holiday let.
- If after a period of 6 months a qualifying household is not forthcoming, then the area of search will be widened by substituting ‘National Park’ with ‘area of the National Park and constituent local housing authority area’.
- The categories set out in criteria i) and vi, iv), vii), viii) will apply only to persons who have resided permanently in the National Park for the preceding 3 years. Category ix) will apply to households that have previously resided in the National Park for a minimum of 10 years.

- Prospective households will have their attention drawn to the occupancy restriction and in particular its effect on the valuation of their property (approx. 20% reduction) and the potential delay that the occupancy restriction may cause to its subsequent sale or re-occupancy.
- All local occupancy restrictions will be secured through a Section 106 agreement. The Authority's legal costs of preparing household occupancy agreements will be met by the applicant.
- The Authority will encourage existing occupancy restricted dwellings to upgrade to these newer, more flexible criteria.