



Housing and Planning Bill 2015 – What’s in it for the Older Person?

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The Housing Bill has generated much discussion, particularly around first-time buyers and starter-homes, and the extension of the right to buy to housing association tenants. Much less commentary, however, has been given to how these proposals, whatever form they may ultimately take, will have upon the market of housing for older people. Of course, this is not to say that there may not be some first time buyers amongst the older population, but the starter home provisions only apply to a “qualifying first time buyer” being under the age of 40...

The Bill itself is made up of eight parts and will be further documented in regulations and guidance to be published subsequent to the legislation. The guidance published emphasises the apparent continued desire for home ownership by detailing the aspiration to buy and own a home remaining strong for the majority of households.

Turning then to the various provisions of the Bill, and focusing on housing for older people, an interesting element is the reference to self-build and custom house building, with local authorities now required to grant sufficient suitable development permissions on service plots of land to meet the demand for self-build and custom house building in their area. This is as evidenced by the number of people on registers held by local authorities. While there is growing interest in community-led solutions, for example, co-housing, one wonders how appealing the provisions in the Bill would be to those in the later stages of life.

There has been much discussion of the impact of the new Bill on social housing within England, particularly, the extension of right to buy to housing association tenants. Certainly, there are likely to be many older residents who may see a benefit in acquiring their own home, providing a potential for a perceived security of tenure going onwards, and, of course, the acquisition of what can only be an asset of increasing value over the years. The entitlement to acquire would apply across the board to housing association tenants, and there are no particular provisions anticipated in connection with the older persons’ market; although there has been industry concern voiced at whether exclusions should apply to sales of sheltered or extra care housing.

Likewise, the “pay to stay” provisions will affect all: for those social housing tenants on higher incomes, the proposal is that the level of rent to be charged should

increase, and necessarily older people are likely to be caught by the thresholds (initially set at £30,000 outside London and £40,000 in London).

It is anticipated that there will be a number of older people amongst the gypsy and traveller population, and the variation to the assessment of accommodation needs provisions within the Housing Act 2004 providing that those individuals should not be of particular focus may be of note. It is anticipated, however, that care for those individuals may fall within their communities, and not consideration for a wider provision.

Any private renting tenant will be interested in the various amendments to further penalise rogue landlords: licences needed for HMO (housing and multiple occupation accommodation), for example, as well as amendments to the local housing authorities to obtain information in respect of tenancy deposit scheme administrators.

Of major interest, however, will be the proposed revisions in connection with planning matters. The requirement to prepare, maintain and publish registers of specified land (brownfield registers) should be welcomed, freeing up individual parcels of land for housing development, but of course the final detail is still awaited. The proposals have been referenced on the basis of speeding up and bringing forward local plans to fully accommodate housing needs, with the government advice intending to protect the green belt. There are also intended changes to the nature of the planning regime which may potentially give greater control to other bodies, such as forums and parish councils. The potential intervention by the Secretary of State, however, in Local Plan production may be seen by some as a worrying interference.

Of course, the above is only a starting point for the progress of the new Bill, and much of its finer detail will only be discovered once the bill has transformed into an act, as the association regulations are passed. As ever, a question of watch this space: for all, older, young or middling.

For more information on the implications of the Bill, contact Winckworth Sherwood at: www.wslaw.co.uk

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