

Disposal of Properties Subject to a Restriction

Guidance Notes for Vendors, Purchasers, and their Representatives

Guidance for Vendors

If you are selling a property with a restriction as to who can buy it from you (this would be a restriction imposed by Chichester District Council (CDC) under either section 37 or section 157 of the Housing Act 1985, or any other restriction of this nature then you must make your estate agent aware of the restriction. Your estate agent should include information about the restriction so that the property can be marketed accordingly. This reduces the risk of a sale falling through because the purchaser does not meet the qualifying criteria.

If CDC's consent is not provided, the Land Registry will not register the transaction and it will become void.

Guidance for Purchasers

For purchasers who have been resident in the area for the requisite three-year period, CDC will obtain confirmation from the electoral register and no further evidence will be required.

For all other purchasers at least one of the following will need to be provided;

- Written confirmation from an employer to confirm place of employment and length of service.
- Council tax bills for the last three years.
- If length of residency/employment are difficult to establish for whatever reason, then other documentary evidence will be considered such as utility bills etc.

If there is more than one purchaser, only one individual needs to evidence their connection to the area. Evidence must be submitted to CDC to enable the local authority to provide a letter of consent.

Making an application to CDC for consent to sell your property

To apply for CDC's consent for the sale, the Council will require:

- Full name(s) and address(es) of the proposed purchaser(s)
- An official copy of the property's register of title from HM Land Registry
- Payment of the Council's fee - £150

Making an application to CDC to Remove a Restriction

In order to retain much needed affordable homes within the stock, the Council will not approve applications requesting to lift the restriction, except in very exceptional circumstances. To enable CDC to review a request to remove a restriction, the Council will require:

- Name of the applicant and full address of property.

- Evidence of title – from the Land Registry.
- Name and contact details of the estate agent marketing the property.
- Valuation of the property without and with the restriction.
- Dates property was marketed.
- Web link to property marketing material.
- Written statement (with supporting evidence where appropriate) outlining the exceptional circumstances and the impact these have on the seller.

A request for the removal of a restriction should be sent to Legal@chichester.gov.uk

Applications will be considered by the Director of Housing and Communities, who will make a determination in consultation with CDC's Cabinet member with responsibility for housing and ordinarily a decision will be notified within 28 working days from the day after the receipt of the validated request.

If you have a query relating to the sale of a property with this restriction, please contact Legal Services via: Legal@chichester.gov.uk

Exempt Disposals (Exceptions)

There are circumstances when new owners do not have to comply with the three-year local connection restriction. These are known as "exempt disposals" and they arise for example where:

- the property is being transferred from joint to sole name (or vice versa) or,
- inherited under a will or intestacy.

A full list of the exemptions is set out in the Policy on the Disposal of Properties Subject to a Local Connection Restriction under Sections 37 and 157 of the Housing Act 1985

Even though these transactions are exempt, a form of consent is still usually required by HM Land Registry. To request consent in these circumstances, please contact Legal Services via Legal@chichester.gov.uk.