Tandridge District Council

Our Local Plan 2033

Examination – Note for Inspector
Designated Rural Areas – October 2019

October 2019
TANDRIDGE LOCAL PLAN

NOTE

1. This note addresses two different statutory schemes which use the descriptions “designated rural area” and “protected area” respectively to identify how certain land can be dealt with. The two schemes are separate and independent.

2. By section 157 of the Housing Act 1985 (a carry over from provisions in the Housing Act 1980) additional controls are imposed on the Right to Buy contained in Part V HA 1985 in relation to land found in (a) a national park; (b) AoNB; and (c) an area designated by the Secretary of State as a rural area. The Secretary of State has, by a series of orders, designated certain areas as rural areas for these purposes only.¹

3. In addition, there are separate statutory provisions dealing with enfranchisement. By para 4A(3) of Schedule 4A to the Leasehold Reform Act 1967 the Secretary of State may designate “protected areas” restricting the ability to enfranchise if he considers it appropriate to do so to support the provision in the area of houses, or descriptions of houses, which are available for occupation in accordance with shared ownership

¹ See for example the 2019 Order S.I. 2019/1006 which makes clear it is made “in the exercise of powers conferred by section 157(1)(c) and (3) of the Housing Act 1985”.

Document Reference TED22:
Tandridge District Council – Note for Inspector Re Designated Rural Areas – October 2019
arrangements. Again, specific secondary legislation has been made under this power.

4. The NPPF has chosen, by its glossary, to adopt the meaning of “designated rural land” which applies for section 157 of the Housing Act as set out above. Accordingly, it is only that land which falls within para 63 NPPF 2019. There is no equivalent provision under NPPF 2012. The policy change now found in NPPF 2019 first arose under the WMS published on 28 November 2014 which introduced a choice for LPAs to implement the lower threshold of 5 units or less beneath which affordable housing and tariff style contributions should not be sought.

5. The LGA publishes a list of areas covered by section 157, sourced from MHCLG. The closest area of coverage in the South East appears to be in Mole Valley. There are no such areas in Tandridge District Council. Certain areas of Tandridge have been designated as “protected areas”, but that does not mean they are “designated rural areas” for the purposes of the planning guidance identified above.

---

2 See for example the 2009 Order S.I. 2009/2098 which makes clear it is made “in exercise of the powers conferred by paragraphs 4A(3) of Schedule 4A to the Leasehold Reform Act 1967”. Article 7 of that Order identifies certain land in Surrey and West Sussex, as more particularly described in Schedule 11 to the Order.

3 This understanding set is consistent with PPG 2019 ID:23b-023-20190901