

What are you applying for in relation to the planning obligation and please give reasons:

We are applying to request the discharge of section 106 imposed on Prospect Lodge as part of the planning permission granted on 16th August 1993.

Our home Prospect Lodge has been up for sale since May 2024 and we have had two viewings. The one offer we received was rejected by the council who did not feel the buyer met the 'qualifying person' criteria. We have had no other offers by qualifying persons, therefore it appears to be of no benefit to the local community in limiting the property to the occupancy restrictions of the section 106. In support of this the Isles of Scilly Housing Development Study refers to 'Lessons learned' and says 'relying upon windfall development is unlikely to meet the scale of need or type of housing required.'

With 105 planned affordable homes proposed within the Isles of Scilly Housing Strategy it seems unlikely Prospect Lodge will be a preferred purchase over new, sustainable affordable housing. Additionally there are currently more than 10 cheaper homes for sale on Scilly at present.

Due to the current value of the property it is clearly not an 'affordable home' and appears to have never been an 'affordable home' as it has been above the price of what can reasonably be expected to be affordable.

In support of this we have highlighted the relevant sections of *s.106A Modification and discharge of planning obligations* which says:

1. A planning obligation may not be modified or discharged except-
 - (a) by agreement between the authority and the person or persons against whom the obligation is enforceable; or
 - (b) in accordance with this section and section 106B.
- (2) An agreement falling within subsection (1)(a) shall not be entered into except by an instrument executed as a deed.
- (3) A person against whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the appropriate authority for the obligation-**
 - (a) to have effect subject to such modifications as may be specified in the application: or
 - (b) to be discharged.**
- (4) In subsection (3) "the relevant period" means-
 - (a) such period as may be prescribed; or
 - (b) if no period is prescribed, the period of five years beginning with the date on which the obligation is entered into.

(5) An application under subsection (3) for the modification of a planning obligation may not specify a modification imposing an obligation on any other person against whom the obligation is enforceable.

(6) Where an application is made to an authority under subsection (3), the authority may determine-

(a) that the planning obligation shall continue to have effect without modification;

(b) if the obligation no longer serves a useful purpose, that it shall be discharged; or

(c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to modifications specified in the application, that it shall have effect subject to those modifications.

Regarding **s.106A(6)(b)** we feel that the purchase price of Prospect Lodge means the “*obligation no longer serves a useful purpose*” as it is clearly not ‘affordable housing.’

The UK Government also illustrates this by saying: “*the affordability of housing has worsened significantly over the last 20 years, making it harder for people to get the housing they need. Data published in March 2023 shows that in 2002, the median salary in England was £20,739 and the median house price was £102,000. In 2022, the median salary was £33,208 and the median house price was £275,000* (<https://www.gov.uk/government/publications/new-homes-fact-sheet-9-what-is-affordable-housing/fact-sheet-9-what-is-affordable-housing#how-has-housing-affordability-changed-over-time>)

We are by no means experts but doubt very much that the average salary in Scilly is around the £33,000 mark, and it appears the average house prices are definitely above the £275,000 mark. Prospect Lodge is clearly well beyond what can be classed as ‘affordable.’

We recognise there is a housing crisis in Scilly and in no way do we want to capitalise on the property. If the section 106 is discharged we have no intention of trying to make more money by raising the price of the property. Rather the buyer who was turned down is still wishing to purchase the property; is not going to use it as a second home; is not going to use it as a guest house and is planning on remaining in the house as their sole residence for the rest of their life. Additionally if they are successful they have a property that will then be up for sale at a more affordable price than Prospect Lodge, thereby adding another more ‘affordable’ home to the local housing market.

Nevertheless, we believe there is a higher chance of Prospect Lodge being sold without the s.106.

At present we are living apart, as due to circumstances beyond our control Sam has had to relocate to the mainland to be able to continue to work in nursing. Neither of us expected this when we sold our home in Kent, purchased Prospect

Lodge and moved to Scilly. All we want is a greater chance to sell our home and live our lives together as we had planned.