



# Key Worker and Intermediate Housing Policy 2022



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

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# 1. Introduction

- 1.1 This policy sets out the way in which **Kensington and Chelsea Council ('the Council')** will prioritise residents for **intermediate housing properties**, including those earmarked for key workers, to which it has nomination rights. This includes those intermediate properties owned by the Council and those built by third-party developers.
- 1.2 This policy supersedes the Allocations Policy for Intermediate Housing dated December 2015 and the Council's Intermediate Rent Tenancy Policy 2017.
- 1.3 Eligibility and prioritisation for First Homes is found in section 16.



## 2. Scope

- 2.1** This policy does not cover the allocation of social rent properties. These are covered in the Council's Housing Allocations Scheme which can be found on the Council's website.

## 3. Definition of affordable housing

- 3.1** This is covered in full in Appendix 3 of this document and covers both intermediate housing and rent to buy.

## 4. Eligibility for intermediate housing

- 4.1** Applicants who wish to apply for intermediate housing in Kensington and Chelsea must read the conditions for applications that can be found at section 17 of this document.

- 4.2** The eligibility criteria have regard to The Plan issued by the Mayor of London. The Council's criteria are:

### 4.3 Household income:

- It is recommended that households earn at least £25,000 gross per annum. However, this figure is for guidance only and there is discretion on this figure subject to the household being satisfied that it can afford all housing-related costs. The Council reserves the right to determine that a household cannot afford any particular property. Housing associations managing key worker and intermediate rent homes built by a third-party developer may apply their own affordability assessments. Therefore, where the Council nominates

a resident to a housing association key worker or intermediate housing home, the housing association may reject the nomination on grounds of affordability.

- For intermediate rented products, applicant households must not earn more than £60,000 gross per annum.
- For intermediate ownership products, applicant households must not earn more than £90,000 gross per annum.

### 4.4 Citizenship:

- Applicants must be a British, an Irish, or an EU/EEA citizen with Settled Status by December 2020, or have indefinite leave to remain in the UK, or have the relevant sponsorships/documents/visas to work in the UK to cover the duration of the three-year minimum term tenancy.
- Any relevant sponsorships/documents/visas that do not cover the duration of the three-year minimum term tenancy will need to be extended or updated as applicable in order to sustain the tenancy.

### 4.5 Property ownership:

- Applicants, or their household members, must not own, or part-own, a property at the time of purchase or entering a tenancy agreement.

### 4.6 Applicant households with savings and capital over £100,000 will not be eligible to apply for intermediate housing.

### 4.7 The income bands will be periodically reviewed to remain in line with any revisions made by the Greater London Authority (GLA), and/or local priorities.

**4.8** The Council reserves the right not to allocate a property to an applicant if it believes that applicant cannot afford the rent and related housing costs.

## **5. Priority criteria – Intermediate housing (excluding key worker housing)**

**5.1** The priority criteria as set by the Council for intermediate housing not designated as key worker housing, are:

First preference will be given to any applicant with a social tenancy within the borough. Length of tenancy will be used to differentiate between applicants.

Second preference will be given to any applicant who is homeless towards whom a full duty to rehouse under 1996 Housing Act, Part VII has been accepted by the Council. The date of homeless application will be used to differentiate between applicants.

Third preference will be given to any applicant who has been assessed by the Council as threatened with homelessness or is homeless under Part VII of the Housing Act 1996, and is not placed in temporary accommodation.

Fourth preference will be given to applicants whose principal home is in the borough and who work in the borough. In the event of two or more applicants meeting the criteria, the property will be awarded to the individual who has lived in the borough the longest.

Fifth preference will be given to applicants whose principal home is in the borough but do not work in borough. Length of residency will be used to differentiate between applicants.

Sixth preference will be given to applicants who work in the borough and live elsewhere. Greatest length of confirmed employment within the borough will be used to differentiate between households.

Seventh preference will be given to applicants who live in the GLA area and who are working. Length of residency will be used to differentiate between applicants.

**5.2** For the purposes of the above, self-employed applicants who wish to be considered as ‘working in the borough’ will have to demonstrate that their address is registered in the borough. Applicants who are self-employed, work from home, or who act as consultants or similar may have to demonstrate that their work benefits the borough’s economy and community in order to qualify as ‘working in the borough’.

**5.3** In the event of circumstances which are not covered in the preference points above, a decision as regards priority will be made at the discretion of the Head of Strategy, Allocations and Health. In the event that a preference point is in doubt (for example ‘working in the borough’) the Director of Housing or a delegated officer will have the final determination.

## 6. Priority criteria – Key worker housing

- 6.1 Key worker housing is considered a sub-set of intermediate housing. These are properties ring-fenced for applicants who are considered to be a Kensington and Chelsea key worker.

## 7. Definition of a key worker

- 7.1 An applicant is considered a Kensington and Chelsea key worker if they are currently employed within organisations serving the Royal Borough of Kensington and Chelsea residents in one of the following categories:

- National Health Service (NHS) staff providing health services to Kensington and Chelsea residents,
- Staff employed by the NHS North West London Clinical Commissioning Group who are working in services located within Kensington and Chelsea including General Practices,
- London Fire Brigade staff stationed within Kensington and Chelsea,
- Front-line care workers working in residential or care home settings within Kensington and Chelsea (including agency staff funded via personal budgets),
- Staff providing educational services in state-maintained primary and secondary schools, sixth form colleges, and further education colleges within Kensington and Chelsea,

- Front-line childcare workers in early years providers (nurseries and pre-schools) that offer 15 hours and 30 hours free childcare within Kensington and Chelsea,
- Metropolitan Police constables and officers stationed within Kensington and Chelsea,
- Front-line social workers employed by the Bi-Borough Adult Social Care, and Family and Children’s Services whose employer is the Royal Borough of Kensington and Chelsea.

- 7.2 The following additional criteria **also** apply in order to be considered as a Kensington and Chelsea key worker:

- 7.3 Physical presence at their workplace:

- There is a requirement for an RBKC key worker to be anchored at their workplace to carry out their role in order to serve the residents of Kensington and Chelsea.

- 7.4 Contract status:

- An applicant must be employed on a permanent contract, or,
- Be employed on a fixed term contract where they are due to remain in employment for a further six months from the date the tenancy is due to commence, and the initial term of their contract was at least 12 months, or,
- If employed on a ‘zero-hours’ contract, the applicant must be able to demonstrate that they have been in regular work for the previous 12 months.

## 8. Priority criteria for key worker housing

- 8.1 The main provisions within the above intermediate housing policy also apply to properties ring-fenced for key workers. The following priority criteria are applied for properties designated as key worker housing:
- 8.2 All eligible key workers will be ranked by their household income. Key worker properties will be awarded in order of household income – lowest first.
- 8.3 In the event of a tie-break, i.e., in situations where two eligible have the same household income, the criteria will be applied as described in section 10.
- 8.4 If no suitable applicants can be found after three months, applications will be considered from eligible households within the GLA area.

## 9. Definition of ‘household income’

- 9.1 ‘Household income’ is defined as the total gross income of the applicant and their partner that they would ordinarily live with. The gross income of any non-dependents within the household is not included.

## 10. Additional preference criteria for key worker housing

- 10.1 First preference will be given to any Kensington and Chelsea key worker with a social tenancy within the borough whose move will result in their current home becoming available for the Council to

re-allocate to another household. Length of tenancy will be used to differentiate between applicants.

- 10.2 Second preference will be given to any Kensington and Chelsea key worker who is homeless and in priority need and has been placed by the Council in temporary accommodation and a full duty to re-house has been accepted by the Council. The date of homeless application will be used to differentiate between applicants.
- 10.3 Third preference will be given to any Kensington and Chelsea key worker who has been assessed by the Council as threatened with homelessness or is homeless under Part VII of the Housing Act 1996, and is not placed in temporary accommodation.
- 10.4 Fourth preference will be given to any Kensington and Chelsea key worker whose principal home is in the borough and who work in the borough. In the event of two or more applicants meeting the criteria, the property will be awarded to the individual who has lived in the borough the longest.
- 10.5 Fifth preference will be given to applicants whose principal home is in the borough but do not work in borough. Length of residency will be used to differentiate between applicants.
- 10.6 Sixth preference will be given to applicants who work in the borough and live elsewhere. Greatest length of confirmed employment within the borough will be used to differentiate between households.
- 10.7 Seventh preference will be given to applicants who live in the GLA area and

who are working. Length of residency will be used to differentiate between applicants.

## 11. The allocation of wheelchair adapted properties

**11.1** Where properties are adapted for wheelchair use all reasonable steps will be taken to identify and prioritise a household in need of this type of property ahead of other qualifying persons

## 12. Eligible property sizes

**12.1** We assess the size of property each household requires. This is set out below:

- One bedroom for the applicant and their partner if applicable,
- One bedroom for every two children of the same sex, aged up to 18,
- One bedroom for a child of the opposite sex, aged over ten,
- One bedroom each for any children aged 18 or over,
- One bedroom for any other adult aged 18 or over.

**12.2** Bedrooms are permitted only for people entitled to be on the intermediate housing application. Ordinarily, an extra bedroom will not be recommended due to pregnancy.

**12.3** In exceptional circumstances, an extra bedroom may be allowed where there is a proven need for one, for example, for medical or healthcare reasons. See also sections 13.5 and 13.6 below.

**12.4** The allowance of an extra bedroom will be subject to assessment and agreement by the Head of Strategy, Allocations and Health.

## 13. Definition of an 'eligible household'

**13.1** Households eligible to be considered for intermediate housing will only include the applicant, their spouse or partner, their immediate family, and anyone else with an exceptional need to live with them.

**13.2** Partner means someone who lives with the applicant as a partner. This includes mixed-gender and same-sex couples, whether or not they are married or in a civil partnership.

**13.3** Immediate family means the applicant's children or their partner's children who live with the applicant all the time as their main place of residence. Children of shared custody can only be included on one application with the parent who is the main care provider and who provides their main place of residence. Evidence supporting the inclusion of children may be required.

**13.4** Immediate family does not include the applicant's (or their partner's) parents, grandparents, brothers, sisters, aunts, uncles, grandchildren, nieces, nephews, cousins, friends or lodgers – unless they have an exceptional need to live with them as part of the household. (See below).

**13.5** People who have an exceptional need to live with the applicant means people who are not included in the definition of 'immediate family', but who have a real need to live as part of the household in

order to give or to receive care or support. This may include:

- A 'wider' household member who cannot live independently because of a disability or care need,
- A carer, if someone in the household needs full-time care and no one in their immediate family (as defined in this document) is able to provide this.

**13.6** If people not meeting the definition of immediate family are included on the housing application, evidence in support of their inclusion will be required such as: a court order, a social services or an occupational therapy assessment. If the person in question is moving from abroad, evidence of their recourse to public funds or of a sufficient sponsorship undertaking will be required.

**13.7** Members of the immediate family can be included on the application even if they do not currently live with the applicant. If members of the immediate family live abroad, they can be included on the application, but the Council will not recognise them with regard to bedroom entitlement until they have the right to reside in the UK and there is proof their main place of residence lies with the applicant.

**13.8** If members of the immediate family live elsewhere in the UK, they can be included on the application, but applicants should consider applying to be rehoused where the other family member lives, especially if the demand for housing is lower there.

**13.9** An applicant who is a parent with visiting children (in other words, the parent is not the main carer) may in exceptional circumstances be allowed an extra

bedroom in order to accommodate them. This will be at the discretion of the Director of Housing Needs or delegated officer where there is a need for the child to regularly stay overnight with the parent that is not regarded as the main carer.

In the event that the membership of an applicant household is in doubt (for example, doubt about the existence of a couple and the need to consider joint incomes), the Director of Housing Needs or delegated officer will have the final determination.

## **14. Nominations to Council and housing association homes: key workers and wider intermediate housing**

**14.1** The Council has 100 per cent nomination rights at first and subsequent let to all intermediate housing built in the borough under the Community Housing Supplementary Planning Document June 2020.

Where homes for intermediate rent is built by the Council, 100 per cent of the homes will be prioritised to key workers in accordance with the Policy.

**14.2** Where homes for intermediate rent are built by third-party developers and managed by housing associations the Council will aim to target 50 per cent of homes to key workers, and 50 per cent of homes to residents qualifying for intermediate housing within the wider Policy.

**14.3** The quota set out in 13.2 will be viewed within two years of the implementation of this Policy.

## 15. Processes – application, eligibility and prioritisation

- 15.1** The Council is likely to use the Mayor of London’s ‘Homes for Londoners’ and/ or the ‘Share to Buy – London’ portal to market intermediate properties, including properties to let. However, alternative marketing schemes may be used on a development-by-development basis.
- 15.2** Prospective applicants will need to register their details on the ‘Homes for Londoners’ website (<https://www.london.gov.uk/what-we-do/housing-and-land/homes-londoners/search/>) or the ‘Share To Buy – London’ website ([www.sharetobuy.com](http://www.sharetobuy.com)).
- 15.3** Where intermediate properties are supplied by Registered Providers, the relevant affordability and residency tests may be carried out by the providers or their appointed agents. Providers may then decide not to shortlist an applicant for a property. This may occur if a household is deemed not to be able to afford either the purchase or rent payments for the property or if the verification process discovers that they do not satisfy the requirements in terms of residency or employment.
- 15.4** In the event of Registered Provider opportunity, once it (or its agent) has compiled a shortlist of applicants who have passed the verification process, this will be forwarded to the Council for households to be prioritised and an allocation made to the available unit/s in the order of that confirmed priority ranking. Shortlisting and verifications may be done in phases for some developments.
- 15.5** Further verification checks may be carried out at the Council’s discretion.

- 15.6** Where intermediate properties are supplied by the Council, the relevant affordability and residency tests will be carried out by the Council. Applicants must be able to demonstrate that they are able to afford to purchase or rent a property before an offer will be made.

## 16. First Homes

- 16.1** First Homes are a type of discounted market sale, introduced by national planning policy as an affordable housing product that meets the definition set out in the National Policy Planning Framework (2019).
- 16.2** To qualify as First Homes, homes must have a minimum discount of 30% to market value, secured in perpetuity through legal agreement. On first sale, these homes must have a purchase price that does not exceed £420,000 (in London) after the discount has been applied.
- 16.3** First Homes are to be sold to first time buyers with an annual gross household income no greater than £90,000 (in London) and a minimum of 50% of the purchase price must be met through obtaining a mortgage. First Homes are sold to those meeting the First Homes eligibility criteria.
- 16.4** Where First Homes are developed in Kensington and Chelsea, either by a third-party developer or as required by the Council, the following will apply for nominations to First Homes.

### Qualification

- 16.5** Persons qualifying either as key workers or more broadly for intermediate housing under the Council’s Key Worker and Intermediate Housing Policy.

## Prioritisation

**16.6** Persons will be prioritised as follows:

### First priority

Key workers, using the prioritisation criteria set out in sections 8 to 10 of the Policy.

### Second priority

Persons qualifying for wider intermediate housing, using the criteria set out in section 5 of the Policy.

### Third priority

Where a First Home is not sold to a person falling within the first or second priorities, any first-time buyer meeting the Government's guidance and Mayor of London income thresholds will be considered in order of application.

### Accessible homes

Where properties are accessible or adapted for wheelchair users all reasonable steps will be taken to identify and prioritise a household in need of this type of property ahead of other qualifying persons.

## Income thresholds

**16.7** In line with Government and GLA guidance, a purchaser of a First Home should have a combined annual household income not exceeding £90,000 in the tax year immediately preceding the year of purchase.

**16.8** A purchaser of a First Home should have a mortgage or home purchase plan (if required to comply with Islamic law) to fund a minimum of 50% of the discounted purchase price.

**16.9** The vendor and administrators of the mortgage or home purchase plan will

determine whether the purchaser is able to afford the First Home.

## 17. Conditions for applications

**17.1** Applicants will be required to provide evidence and information in order to verify their eligibility for intermediate housing, and to satisfy the criteria for prioritisation. The Council and its partners will undertake checks with regard to identity and other information provided such as employment, length of residency in the borough, the existence of rent or mortgage arrears, and the extent of any repeated involvement in antisocial behaviour.

**17.2** The Council and its partners may also take reasonable steps to verify information with other agencies and organisations which may hold information on the applicant and household members. This might include other Council departments, other local authorities, landlords, financial institutions and credit agencies.

**17.3** It is the applicant's responsibility to keep their application up to date and inform the Council and its relevant partners of any changes in circumstances.

**17.4** Applicants will be required to tell the truth on their application for intermediate housing. Any failure to include relevant information, to hide material facts or to attempt to obtain housing through false information will be treated as fraud. The Council treats housing fraud seriously and will take legal action against applicants found to have committed fraud.

**17.5** Failure on the part of an applicant to provide requested information may render that application incomplete and, as a result, the Council will consider that application to be withdrawn.

**17.6** If the Council has reasonable doubts about the validity of an application, it may be suspended until all necessary investigations have been completed.

**17.7** Applications from people who fall into the following categories will be prohibited from applying for or being allocated (as an applicant or household member) intermediate housing in, or administered by, the Kensington and Chelsea Council for five years. Should they seek to reapply, they will need to demonstrate a change in behaviour:

- a. Applicants who have supplied false or misleading information on their application for housing.
- b. Any applicant who has paid money to obtain a tenancy with either the Council or a housing association operating within the borough.
- c. Any applicant or member of their household who has been convicted of, or had legal action taken against them for: violence, domestic abuse, racial harassment, threatening behaviour, any other antisocial behaviour, any physical or verbal abuse towards staff of the Council, its contractors, or registered providers within the last five years. Legal action here includes convictions, serving of injunctions, notice of intention to seek possession, court order, revocation of licence to occupy.

**17.8** The Council has the power to determine whether in its opinion applicants or members of their household have been guilty of unacceptable behaviour serious enough to make them unsuitable to be Intermediate tenants so that they should be disqualified.

**17.9** Applicants who have been subject to legal action by RBKC Housing Management or any other Registered Provider (including temporary accommodation providers) for breach of tenancy may be excluded at the discretion of the Council.

**17.10** If the applicant or a household member owns a property, or a share in a property, or if they have a tenancy elsewhere, they will be required to terminate their interest in that property or properties before the main applicant can sign for an allocated intermediate property.

## **18. Equality and diversity**

**18.1** Kensington and Chelsea is home to people from a wide range of backgrounds. We are committed to equal opportunities in housing. This means that we seek to ensure that priority for housing is based on housing need and that housing policies are fair to all sections of the community regardless of disability, gender, gender assignment, pregnancy and maternity, race, religion or belief, or sexual orientation. These are known as protected characteristics in renting out accommodation under the Equality Act 2010.

**18.2** We want our services to be accessible to everyone who lives or works in the borough. If an applicant needs extra help to be able to use our services, such as translation and interpretation services, large print or signing, these will be made available.

**18.3** All applicants for housing or rehousing may be asked to provide details of the protected characteristics listed above. This is to allow us to monitor who is allocated housing, and to ensure that properties are being offered and allocated fairly.

## 19. Disputes concerning the allocation of intermediate properties and complaints regarding service

- 19.1** The allocation of intermediate properties will be completed in accordance with this policy.
- 19.2** There is no statutory right to review a decision not to assess and shortlist a applicant, or to allocate to an applicant an intermediate housing property. However, where appropriate and when required, the Council will conduct an internal, non-statutory review process that will inform an applicant why they have not been assessed, shortlisted, or allocated a property.
- 19.3** A request for a review should normally be made in writing, within 21 days of the applicant being notified of the decision, and should provide as much information as possible. The Council will aim to complete the review within 56 days. The applicant may wish to seek advice from an independent legal or specialist adviser to help with this process. If the applicant cannot make a request in writing, they can ask someone else to do this on their behalf, or ask to have their case heard orally.
- 19.4** The review will be conducted by an officer in a position more senior than the original decision maker.

## 20. Discretion

- 20.1** The Director of Housing Needs has the delegated authority in exceptional circumstances to apply discretion and to amend or waive this policy.

## 21. Future revisions of this policy

- 21.1** The operation of this policy will be monitored and reviewed regularly. The Director of Housing Needs in consultation with the Deputy Leader for Grenfell, Housing and Social Investment may make amendments to the policy if required. Before making any alterations which reflect major policy changes, the Council will consult with the public and allow them a reasonable opportunity to comment on the alternations.

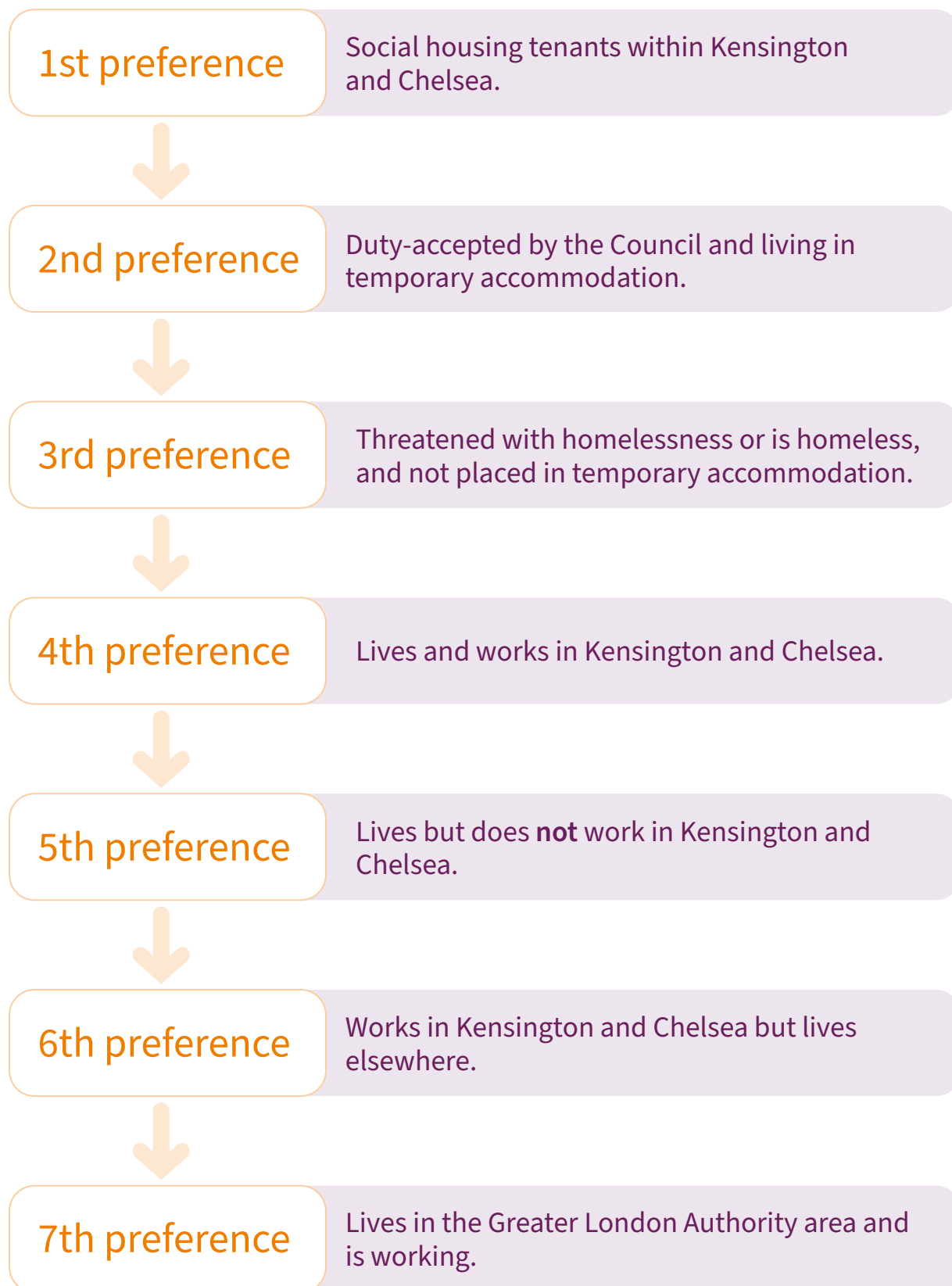
## 22. Who to contact for further advice

- 22.1** For advice about housing options, contact a Housing Solutions Officer on 020 7361 3008, or visit [www.rbkc.gov.uk/housing](http://www.rbkc.gov.uk/housing).

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# Appendix 1

## Priority criteria flow diagram for intermediate housing (excluding key worker housing)

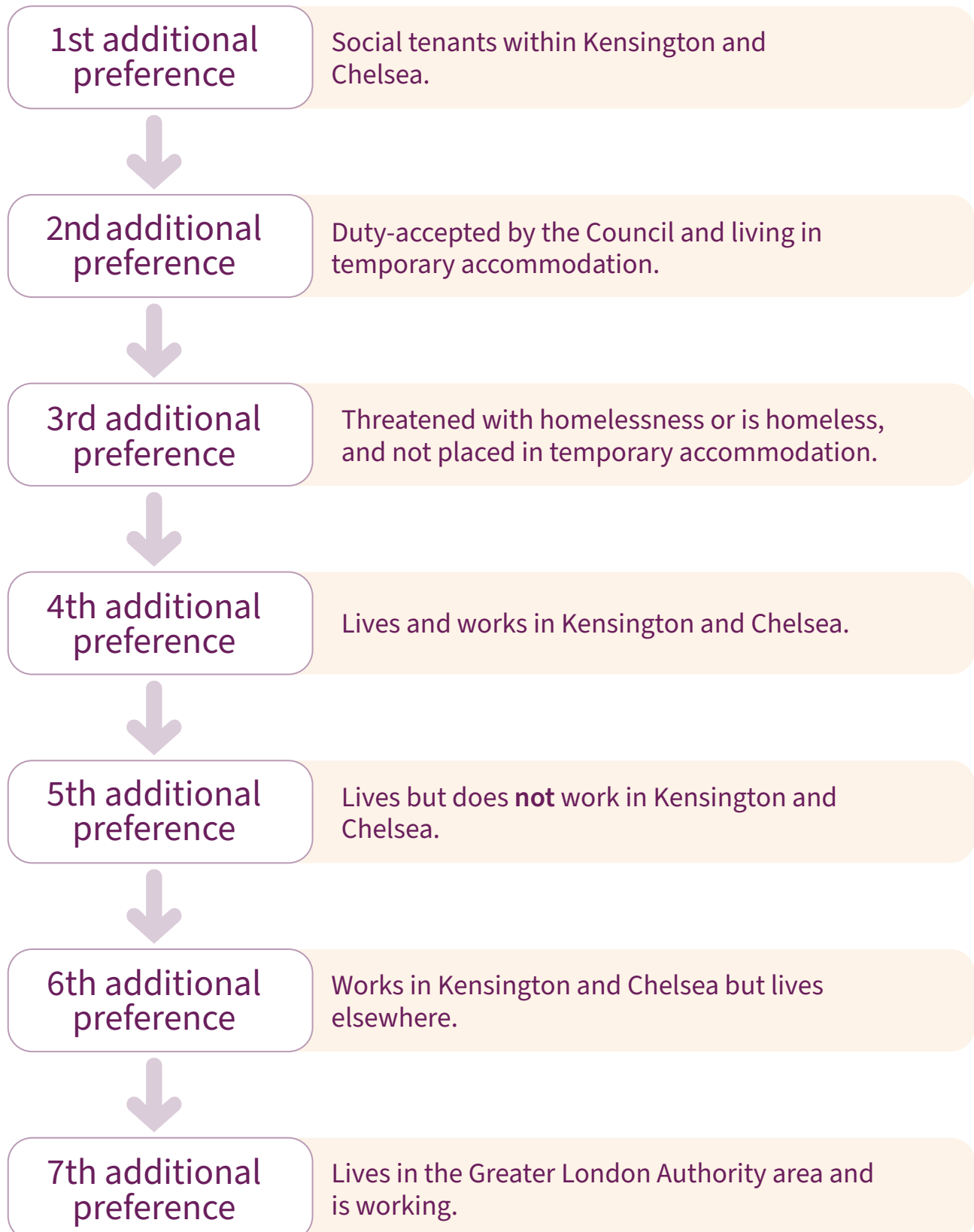


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## Appendix 2

### Additional preference criteria flow diagram for key worker housing

Applicants in qualifying employment will be ranked based on their confirmed income, with those earning the lowest being ranked highest. If two applicants earn the same household income then the following additional preferences will be used.



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# Appendix 3

## Definition of affordable housing

1. **'Affordable housing'** is defined in Annex 2: Glossary of the July 2021 updated National Planning Policy Framework ('NPPF')<sup>1</sup>. It states that affordable housing is housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:
2. **Affordable housing for rent:** meets all of the following conditions:
  - a. the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20 per cent below local market rents (including service charges where applicable);
  - b. the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and
  - c. it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
3. **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
4. **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
5. **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low-cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.
6. This policy concerns a subset of affordable housing, 'intermediate housing', which the Greater London Authority ('GLA') defines as affordable housing which is targeted at people who have little chance of accessing low-cost rent housing, but who are not able to afford to rent or buy a home on the open market.

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1. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

7. The London Plan 2021 ('The Plan') issued by the Mayor of London<sup>2</sup> explains that the Mayor's preferred affordable housing tenures (that are considered to be intermediate housing) are:

- London Affordable Rent,
- London Living Rent,
- London Shared Ownership,

These are described in more detail below:

**London Affordable Rent:** where rent levels are capped at benchmark levels published by the GLA. Rents are significantly less than 80 per cent of market rents, which is the maximum for affordable rent.

**London Living Rent:** this is a Rent-to-Buy product, that offers Londoners on average incomes a lower rent, with sub-market rents on time-limited tenancies, which will help households on average income levels to save for a deposit.

**London Shared Ownership:** is an intermediate ownership product which allows London households who would struggle to buy on the open market, to purchase a share in a new home and a pay a low rent on the remaining, unsold, share.

8. Other intermediate housing products may become available, and this policy will be reviewed accordingly.

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<sup>2</sup> [https://www.london.gov.uk/sites/default/files/the\\_london\\_plan\\_2021.pdf](https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf)

