

Peak Park (Derbyshire) Clause

Reference in conveyancing documents relating to section 19 of the Housing Act 1980 and Sections 37 and 157 of the Housing Act 1985 (as amended) are more commonly known as the Derbyshire Clause or the Peak Park Clause. Sections 19 and 157 relate to former Council houses and Section 37 relates to private houses with a restrictive clause attached.

On 16th March 2006 the Partnership and Regeneration Committee of the Derbyshire Dales District Council resolved to provide delegated authority to the Head of Democratic Services to give consent in accordance with the following guidelines:-

- Consent will automatically be given to a person who has lived or worked within Derbyshire or the Peak District National Park for a period of three years before the transaction
- Consent will be given where a person has a local connection with the area and is returning to the area to care for another relative
- Consent will be given to members of the forces with local connections returning to live in the area
- Consent will be given to registered social landlords whose stated aim is to provide housing for those satisfying the qualifying criteria. Consent will be conditional on compliance with this requirement
- All other cases will be referred to Members for the exercise of their discretion

Section 157 of the Housing Act 1985 (as amended) states that any person wishing to purchase a former Council property with a restriction under this Act must satisfy certain criteria. This means that they must have lived or worked in Derbyshire or the Peak Park for a period of at least 3 years immediately preceding the application for consent. If the property is purchased jointly, only one of the purchasers need comply and the 3 year period can be made up of a combination of the work and residency criteria.

The clause is a permanent clause and stays with the property on any subsequent sale. Therefore, any future purchases must also satisfy the same conditions. Please note, if it is the intention of the purchasers to later let the property to a tenant, this tenant also needs to comply with the provisions of Section 157 of the Housing Act 1985 (as amended).

Any new purchaser of a property with a clause of this type will be required to obtain a letter of consent from the District Council to enable them to register the property at the Nottingham (West) District Land Registry following completion.

Please note, when applying for consent, the proposed purchaser should supply sufficient evidence to support their request (for example, utilities bills, bank statements etc for the required 3 year period or a letter to confirm employment for the required period from their employer (on headed paper)). Please note the evidence MUST show their name and address and they should provide approximately 4 pieces of evidence for each year to show continual residency.

Any request for consent under this Act should be made to the Legal Section at Derbyshire Dales District Council, Town Hall, Matlock, DE3 4NN Tel: 01629 761303 or by e-mailing legal@derbyshiredales.gov.uk.

This clause only applies to former Council properties within the Peak Park boundary and in the northern part of the district of Derbyshire Dales, (for example Bakewell, Hathersage,

Youlgreave). Properties in the central and southern parts of the district will not have this clause imposed upon it, examples of these areas are, Matlock, Wirksworth and Ashbourne.