

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

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Report Title: **Housing Self Build Register**

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Portfolios: **Planning and Growth**

Ward(s) affected: **All**

Purpose of the Report

To inform members on the status of the Councils Self-Build register and opportunities to improve engagement with prospective developers and land owners.

Recommendation

That Cabinet agree to

- 1. the creation of a Local Connection Test, a new Register comprising Parts 1 and 2 and the ongoing administration of the Register including a charging schedule**

Reasons

To improve engagement with land owners, self-build and custom-build developers.

1. Background

- 1.1** The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) requires each relevant authority to keep a register of individuals and associations of individuals who seek to acquire serviced plots of land in the local authority's area to develop a self or custom house build.
- 1.2** A self-build house is a property that someone physically builds for themselves and their family with limited help where as a custom built property is a home someone secures professional help with including architects to design the house and builders to construct it. Both approaches are covered in the legislation.
- 1.3** The Self-Build and Custom Housebuilding (Time for Compliance and Fees) Regulations, came into effect in October 2016. They place a duty upon local authorities to make available enough serviced plots of land to meet the demand for self-build and custom housebuilding' arising within each 'base period', as evidenced by the number of applications on registers.
- 1.4** Councils must ensure they have sufficient 'shovel-ready' plots to meet this demand, and they have three years from signing up, measured from the end of October each year to show these sites are available.

- 1.5 The regulations also allow local authorities to charge a fee to a person to be entered on to a register for a base period or for part of a base period and to remain on the register on an annual basis.
- 1.6 The Self-Build and Custom Housebuilding Regulations 2016 allow local authorities to set additional local eligibility criteria, or 'a local connection test', to determine eligibility. If a local test applies, applications that do not satisfy the criteria set by the authority do not count towards the assessment of local demand for self-build and custom-build housing.
- 1.7 Whilst such applications are excluded from the duty to make sites available, they may be entered in a separate part of the register. Personnel serving in the regular armed forces and ex-service personnel are excluded from having to comply, though the latter are only exempt for a period of time set by the local authority. In addition, the regulations allow authorities to restrict entry on to a register to applicants who can demonstrate that they will have 'sufficient resources to purchase land for their own self-build and custom housebuilding'.
- 1.8 Individuals or associations of individuals who apply for entry on the register and meet all the eligibility criteria must be entered on Part 1. Those who meet all the eligibility criteria except for a local connection test must be entered on Part 2 of the register.
- 1.9 Local Authorities must have regard to all entries on their registers when carrying out their planning, housing, land disposal and regeneration functions, notwithstanding whether applicants have met any local or financial solvency tests.
- 1.10 Whilst Newcastle-Under-Lyme does keep a register of people interested in acquiring land for the development of their own home, there are no eligibility criteria in place and less work has been given over to the identification and management of plots.

2. **Issues**

- 2.1 The Council faces three issues. Firstly, the manner in which it keeps a register of people interested in custom and self-build housing. Secondly, how serviceable plots are identified and finally, how have we addressed the duty to show how we have met the need for each base period (annually).
- 2.2 At present, whilst the Council does have a register, it does not have eligibility criteria so the register is not split into two parts. It is proposed to introduce criteria to assess people's interests and set a local connection test. These criteria will need to be publicised.
- 2.3 Section 2A of the Self-build and Custom Housebuilding Act 2015 (as amended) imposes a duty on relevant authorities to make available enough suitable serviced plots of land, to meet that demand for self-build and custom housebuilding in their area.
- 2.4 There is no duty on a relevant authority to grant planning permissions which specifically meets the requirements expressed by those on the register but it should use preferences expressed by those on the register to guide its decisions when looking at how to meet its duty to grant planning permission.
- 2.5 Regulation 3 of the Self-build and Custom Housebuilding Regulations 2016 modifies the definition of a serviced plot in the primary legislation by confirming that a parcel of land can be considered as a serviced plot if utilities and access to the public highway are provided at some stage during the period when planning permission has been granted.

- 2.6 This means that a permission for a multi-plot site can count toward meeting demand, even if the site is not yet serviced because the presumption is that the services will be provided within the life of the planning permission. Accordingly, it is considered acceptable to include plots with extant outline permission within the definition of a serviced plot of land.
- 2.7 There is no obligation on the Council to automatically grant planning permission for a site if the applicant deems it to be for a self-build development and any application will need to show how it has taken all relevant planning policies into account before approval is considered.
- 2.8 Furthermore, the Council only needs to make available serviced plots for people on Part 1 on the register of interests
- 2.9 How have we addressed the duty to show how we have met the need for each base period (annually). You have included this on the section 'major risks'
- 2.10 It is therefore important to maintain and update the register continuously to maximise the ability to inform and match available plots of land or developers offering self/custom build opportunities, to those identified and expressing a preference on the register.
- 2.11 Relevant authorities can set fees on a cost recovery basis. Any fees charged must therefore be proportionate, reflect genuine costs incurred and should not act as a deterrent for people to be entered on or remain on the register.
- 2.12 Whilst the Council does keep a register of interests, progress has been made by other Councils in terms of releasing information on interests and sites.

3. **Proposal**

- 3.1 At present, the Council does not publish details of interests from self-builders and customer builders for sites.
- 3.2 Whilst it would not be appropriate for the Council to release personal details of people who wish to explore the potential of a self-building property, anonymised information can be released to indicate general areas of interest in the Borough either on a Ward or more detailed level and the type of site or development being sought.
- 3.3 This approach will provide a platform for those with land to make enquiries through the Council to interested parties to match up opportunities with expectations and thus start to bring forward some new developments.
- 3.4 Whilst not all councils provide this service, Cheshire East Council, Shropshire Council and Stafford Borough Council already provide such information. An extract from Stafford Borough Councils schedule of interest is provided at Appendix A for reference.
- 3.5 Long-term, the Council would wish to work towards providing Self-build and Custom Housing building plots through the following mechanisms in line with government guidance:
 - considering the development of policies through the New Local Plan;
 - reviewing land to see if any plots are available and suitable for self-build and custom housebuilding;
 - engaging with landowners who own sites that are suitable for housing and encouraging them to consider self-build and custom housebuilding;

- working with developers to maximise opportunities for self-build and custom housebuilding.

3.6 As these goals rely on engagement from private land owners or the adoption of the Local Plan, it is unlikely any assistance to self-builders can be offered immediately. In the interim therefore, assistance can be provided by bringing together independent sources of information. Key providers of help to self-builders are specialist 'plot finding' websites which include the following:

- [PlotBrowser](#)
- [plotfinder.net](#)
- [Buildstore plotsearch](#)
- [PrimeLocation](#)
- [Rightmove](#)
- [Zoopla](#)
- [Movehut](#)
- [Commercial People](#).

3.7 As the Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016/1027 allow for relevant authorities to set fees on a cost recovery basis consideration should be given whether to charge a fee for people to enter the register and subsequently retain a place.

3.8 Taking account of the requirement for any fees charged to be proportionate, reflect genuine costs incurred and should not act as a deterrent for people to be entered on or remain on the register Members are asked to agree the following fees:

- an initial £30.00 (+ VAT) registration fee for new applicants to register on the Council's newly updated and developed Self Build register.
- a £15.00 (+ VAT) annual renewal fee for all who wish to remain on the register.

3.9 It is also proposed that the council's self-build and custom build register be brought into the Planning Policy service. Work would still be undertaken in conjunction with the Councils Housing Strategy Officer to check people's needs and whether they should be on Part 1 or Part 2 of the Register but in terms of site identification and matching people to opportunities, this is considered to be an aspect of the process that can be more closely managed through the development plan process and the closer links to Development Management.

4. **Reasons for Proposed Solution**

4.1 By publishing details of interests in sites, this should encourage land owners to engage with the Council to bring together those with an interest in self-build and those with the land to make this happen.

4.2 Whilst it would be desirable to deliver a full schedule of land now, such a list would need to consider the dynamic nature of the property market and require resourcing to enable the Council to replicate the work effectively undertaken by the private sector in terms of land promotion.

4.3 The use of signposting to alert prospective self-builders to site finding resources is considered a positive step in enabling the delivery of such properties.

4.4 By introducing a charge for people to be on the register, this will provide increased certainty to land owners that the people who have expressed an interest in self-build plot are committed to the process and not making a general enquiry.

- 4.5 The annual charge of £15.00 for people to stay on the list is considered to be acceptable as it maintains integrity of the information in the register and prevents it becoming a schedule of past interests that may no longer be relevant to land owners.
- 4.6 By taking the register into the Policy service, it is considered this step will enhance opportunities for the delivery of self-build housing in the borough through enhanced links to site information.

5. **Options Considered**

- 5.1 As an alternative, consideration has been given to either maintaining the status quo which is the internal recording of site interests or a partial step to only show the expressions of interests and not provide links to external websites.
- 5.2 As the spirit of the legislation is to encourage more enjoyment in self-build development, these two options do not provide the scope of support offered by the recommended option.
- 5.3 Not having a charge has been considered. Whilst not a significant charge in the context of building a new house, even a self-build one, the charge is notable. However, if it were not in place, there is not impetus on people to update their records or form simple aspirational wishes to be removed especially where there is no realistic prospect of the person funding and delivering on their hope of a new self-build home. By having a charge in place, this will sharpen peoples focus on the matter and minimise speculative enquiries and reduce wasted time.
- 5.4 The Register could be held by housing services and some Councils do have this arrangement but for many Councils including those in Staffordshire, the registers are commonly held in the Planning Policy team.

6. **Legal and Statutory Implications**

- 6.1 The proposed steps take the Council closer to full compliance with the legislation. Whilst it would be preferable to fully engage at this time, it is considered that as one of the key measures to supporting this, identification of sites through the development plan cannot be delivered as the plan is yet to be adopted.
- 6.2 As the plan approaches adoption, engagement can be increased in providing information to people.

7. **Equality Impact Assessment**

- 7.1 It is considered that the recommendation and alternatives do not have a detrimental impact on matters of equality.

8. **Financial and Resource Implications**

- 8.1 The intended fees levied through this charging regime will cover the administrative and developmental costs of this obligation.
- 8.2 It is anticipated that the promotion of sites will be a more complex task as the Council will need to ensure the sites in the list are viable for residential development which could often require the submission and approval of planning applications which may be costly to prepare and would be time limited often to three years.

9. **Major Risks**

- 9.1 All data and works by the Council need to bear in mind Data Protection and the General Data Protection Regulations. The submission of personal information in relation to proposal is a significant consideration and one that needs careful deliberation. Officers have taken the appropriate advice in the design and current development of the register.
- 9.2 Failure to make available the requisite amount of self-build plots as required by the Self-build and Custom Housebuilding Act 2015 (as Amended) there is the potential for the Government to impose financial penalties or give rise to intervention measures. As the Council received a contribution from Government for publishing a self-build register it is likely that any further payments could be withheld.
- 9.3 At present, these are not considered to be imminent risks and no warnings have been issued to the Council. Indeed, the Borough is not alone in its position. Nevertheless, other Councils are in a more advanced position on this matter and there is an opportunity for the Council to enhance opportunities for people to engage with the development process and pursue their aspirations for a new property either built by themselves or to their designs through the custom build process.

10. **Sustainability and Climate Change Implications**

- 10.1 The delivery of self-build housing is not considered to have a different impact on sustainability and climate change than other forms of housing delivery e.g. by commercial developers.

11. **Key Decision Information**

- 11.1 This is not a key decision

12. **Earlier Cabinet/Committee Resolutions**

- 12.1 None

13. **List of Appendices**

- 13.1 Appendix A: Staffordshire BC Schedule of Interests

14. **Background Papers**

- 14.1 None

Appendix A

Extract of Stafford Borough Councils Self Build Register of Interests



Application Reference	Date Application Received	Sought by Individual or Association	Number of Serviced Plots of Land Sought Within Stafford Borough	Size of Plot Required	Location of Plot Required	Date of Entry into Register
SBR001	19/05/2016	Individual	1	1.0 ha +	Bishops Offley	27/05/2016
SBR002	24/05/2016	Individual	1	0.2ha	Eccleshall Parish	27/05/2016
SBR003	30/05/2016	Individual	1	Minimum of 0.33 acres	Eccleshall, Rugeley and Abbots Bromley	01/06/2016
SBR004	06/06/2016	Individual	1	400 sq m	Hopton	16/06/2016
SBR005	15/06/2016	Individual	1	Not specified	Not specified	16/06/2016
SBR006	15/06/2016	Individual	1	Not specified	Eccleshall	16/06/2016
SBR007	20/06/2016	Individual	1	0.333ha	Eccleshall Parish	21/06/2016
SBR008	20/06/2016	Individual	1	0.8-1.6ha	Eccleshall & 2-3 mile surrounding area	21/06/2016
SBR009	29/06/2016	Individual	1	Enough land for a bungalow / 400m ²	Eccleshall area to Newport	30/06/2016
SBR010	05/07/2016	Individual	1	0.12ha	Stafford and surrounding villages	12/07/2016