

EXECUTIVE - 22 MARCH 2018

SELF-BUILD AND CUSTOM HOUSEBUILDING GUIDANCE NOTE

Executive Summary

The purpose of the report is to outline the various responses to the consultation on the Self-build and Custom Housebuilding Guidance Note and requests the Executive to recommend to Council to approve it as Guidance Note for individuals and organisations who wish to acquire serviced plots for self build or custom housebuilding. The Executive, at its meeting on 23 March 2017, approved the Guidance Note for a six weeks consultation between 7 April 2017 and 22 May 2017. A total of four individuals and organisations made representations. The representations were either in support of the Guidance Note or had no further comments to make. In this regard, Officers are not proposing any further modifications to the draft Guidance Note that was approved by the Executive for consultation. A copy of the Guidance Note is attached as Appendix 1.

Subject to the recommendations of the Executive, it is intended that the report will go to the 5 April 2018 meeting of Council for adoption. The Guidance Note will provide useful advice to individuals and organisations who wish to acquire serviced plots for self build and custom housebuilding.

The report will be considered by the LDF Working Group at its meeting on 6 March 2018. The Minute of the meeting will be attached as Appendix 2.

Reasons for Decision

To enable the Council to comply with the Self-build and Custom Housebuilding Act (2015) and the Self-build and Custom Housebuilding (Register) Regulations 2016.

Recommendations

The Executive is requested to:

RECOMMEND to Council That

- (i) the draft Self-build and Custom Housebuilding Guidance Note, as set out in Appendix 1 to the report, be adopted as Guidance Note to provide useful advice for individuals and organisations who wish to acquire serviced plots for self build and custom housebuilding; and**
- (ii) authority be delegated to the Deputy Chief Executive, in consultation with the Portfolio Holder for Planning, to approve any amendments to the draft Guidance Note to reflect new information before it is approved, and thereafter to make sure that the Guidance Note is regularly reviewed to bring it up to date.**

The item will have to be dealt with by way of a recommendation to Council.

Background Papers:

None.

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1.0 Introduction

- 1.1 A key priority of the Government is to boost the supply of housing by a variety of means to meet the varied housing needs of people across the country. Self-build and Custom Housebuilding has been identified by the Government as a significant source of housing supply. To facilitate its delivery, the Self-build and Custom Housebuilding Act (2015) was published in March 2015. The Self-build and Custom Housebuilding (Register) Regulations 2016 was published in February 2016 to define in detail the relevant requirements of the Act. The Housing and Planning Act 2016 makes a number of amendments to the Self-build and Custom Housebuilding Act (2015) to remove further barriers to the delivery of self-build and custom housebuilding.
- 1.2 The Self-build and Custom Housebuilding Act (2015) and the accompanying Regulations places a duty on the Council to keep a register of individuals or associations of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects and to have regard to the register in carrying out its planning, housing, regeneration and disposal of land functions.
- 1.3 Anyone who wishes to be registered will be eligible if they are:
 - Aged 18 or over;
 - A British citizen, a national of an EEA State other than the United Kingdom, or a national of Switzerland; and
 - Seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area to build a house to occupy as the sole or main residence.
- 1.4 The Council has put in place a procedure to ensure that the above eligibility criteria are met. The Regulations allow scope for the Council to introduce additional local eligibility criteria such as local connections and/or financial viability assessment. The Regulations also allows the Council to charge applicants a specified fee for administering the register.
- 1.5 An application to be registered must be made in writing stating the name and address, date of birth, nationality and confirmation that the applicant is seeking (either alone or with others) to acquire a serviced plot. If the applicant is an association, the name of the association must also be stated in addition to the details of each individual of the association. The number of serviced plots that the members of the association are seeking must be stated.
- 1.6 The Council has established a self-build and custom housebuilding register in compliance with the Act and Regulations.
- 1.7 The Housing and Planning Act 2016 requires the Council to give suitable development permission in respect of enough serviced plots of land to meet the demand for self build and custom housebuilding arising in the Borough in each base period. The Housing and Planning Act defines the period covered by the base year. The Council must notify qualified applicants on the register of any available serviced plots within the base year. Planning applications for self-build and custom housebuilding must be determined within 28 days of the date that the application was received.
- 1.8 Given the operational nature of managing the register, informing applicants of the availability of serviced plots and the requirement to determine planning applications within a specified tight timetable and the frequency they occur, the Executive has given the Deputy Chief Executive delegated authority to make sure that the requirements of the Act and the Regulations are met.

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- 1.9 The Deputy Chief Executive deemed it necessary to prepare the Self-build and Custom Housebuilding Guidance Note to provide useful advice for individuals and organisations who wish to acquire serviced plots for self build and custom housebuilding. This is in line with the requirements of Policy DM12: *Self-build and Custom Build Houses* of the Development Management Policies Development Plan Document (DPD). The draft Guidance Note was considered and supported by the Working Group on 30 January 2017 and approved for targeted consultation by the Executive at its meeting on 23 March 2017. The draft Guidance Note is included in Appendix 1. The consultation was for a period of six weeks between 7 April 2017 and 22 May 2017. Only four individuals and organisations submitted representations and they are all either in broad support or have nothing further to add to the Guidance Note. In this regard, no further modifications are being proposed to the draft Guidance Note and the Executive is requested to recommend its adoption to Council.

2.0 Next steps

- 2.1 Subject to the recommendations of the Executive, it is intended that the report will be considered by Council on 5 April 2018 with a request to adopt the Guidance Note. The Guidance Note will take effect from the date of adoption. When it is adopted, the Guidance Note will provide useful guidance for everyone who wishes to acquire serviced plots for self build and custom housebuilding.
- 2.2 The national emphasis on self build and custom housebuilding is relatively new. There is no doubt that lessons will continue to be learnt on self-build and custom housebuilding across the country. Officers will continue to explore opportunities for the provision of serviced plots and provide the necessary advice on how the requirements of the Act and Policy DM12 of the DM Policies DPD would apply. The Guidance Note is a positive start but will be a living document that will regularly be updated when new lessons are learnt and there is a change in national policy. Delegated authority is being sought for the Deputy Chief Executive to make sure that the Guidance Note is regularly brought up to date.

3.0 Conclusion

- 3.1 The Council has a statutory duty to set up a register of individuals and associations of individuals who are seeking to acquire serviced plots and to take it into account in a number of its nationally prescribed functions. A register has been established. The Council also has an adopted Development Plan policy on self-build and custom housebuilding. This offers a sound policy framework to justify planning decisions. National and local policies on self building and custom housebuilding are relatively new. In this regard, the Guidance Note is expected to serve as a significant positive step forward in providing useful guidance to everyone interested in self build and custom housebuilding. It is therefore requested that the Executive recommends its adoption to Council.

4.0 Implications

Financial

- 4.1 The cost of preparing the Guidance Note and meeting the requirements of the Act will be met from existing Planning Policy Service Plan budget and approved Investment Programme. In future, if the Council decides to charge a fee for administering the register, it could generate some income to offset any administrative costs. At this stage it will be difficult to estimate how much income could be secured. An estimate will be given when a pattern of demand is established over time. It is worth noting that self-build is exempt from

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Community Infrastructure Levy (CIL) payment. This could have potential implications on CIL income.

Human Resource/Training and Development

- 4.2 The duties under the Act might require an initial training of both Council Officers and Members. This could be covered as part of the usual Members training. Officers are required to determine applications for self-build and custom housebuilding within 28 days of receiving the application. This could have potential implications on staff resources and could undermine current performance on determining planning applications. In particular, Officers might have to prioritise work to meet this deadline. Whilst the initial assessment is that the cost of this will be met from existing budget, it will have to be regularly monitored to see if any additional resources will be needed in future in order not to compromise current performance.

Community Safety

- 4.3 Addressed as part of the Sustainability Impact Assessment.

Risk Management

- 4.4 The Council has a statutory duty to carry out the requirements of the Self-build and Custom Housebuilding Act and its accompanying Regulations. The actions taken so far by Officers, including the advice provided in the draft Guidance Note, is a positive way forward in meeting the duties imposed by the Act.

Sustainability

- 4.5 Addressed as part of the Sustainability Impact Assessment.

Equalities

- 4.6 Addressed as part of the Equalities Impact Assessment. No specific impacts are identified.

5.0 Consultations

- 5.1 The Portfolio Holder for Planning has been consulted.

REPORT ENDS

EXE17-057

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APPENDICES

Equality Impact Assessment

The purpose of this assessment is to improve the work of the Council by making sure that it does not discriminate against any individual or group and that, where possible, it promotes equality. The Council has a legal duty to comply with equalities legislation and this template enables you to consider the impact (positive or negative) a strategy, policy, project or service may have upon the protected groups.

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS
		Eliminate discrimination	Advance equality	Good relations			
Gender	Men					X	
	Women					X	
Gender Reassignment						X	
Race	White					X	
	Mixed/Multiple ethnic groups					X	
	Asian/Asian British					X	
	Black/African/Caribbean/Black British					X	
	Gypsies / travellers					X	
	Other ethnic group					X	

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS
		Eliminate discrimination	Advance equality	Good relations			
Disability	Physical					X	
	Sensory					X	
	Learning Difficulties					X	
	Mental Health					X	
Sexual Orientation	Lesbian, gay men, bisexual					X	
Age	Older people (50+)					X	
	Younger people (16 - 25)					X	
Religion or Belief	Faith Groups					X	
Pregnancy & maternity						X	
Marriage & Civil Partnership						X	
Socio-economic Background						X	

The purpose of the Equality Impact Assessment is to improve the work of the Council by making sure it does not discriminate against any individual or group and that, where possible, it promotes equality. The assessment is quick and straightforward to undertake but it is an important step to make sure that individuals and teams think carefully about the likely impact of their work on people in Woking and take action to improve strategies, policies, services and projects, where appropriate. Further details and guidance on completing the form are [available](#).

Sustainability Impact Assessment

Officers preparing a committee report are required to complete a Sustainability Impact Assessment. Sustainability is one of the Council's 'cross-cutting themes' and the Council has made a corporate commitment to address the social, economic and environmental effects of activities across Business Units. The purpose of this Impact Assessment is to record any positive or negative impacts this decision, project or programme is likely to have on each of the Council's Sustainability Themes. For assistance with completing the Impact Assessment, please refer to the instructions below. Further details and guidance on completing the form are [available](#).

Theme (Potential impacts of the project)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Use of energy, water, minerals and materials			X	
Waste generation / sustainable waste management			X	
Pollution to air, land and water			X	
Factors that contribute to Climate Change			X	
Protection of and access to the natural environment			X	
Travel choices that do not rely on the car			X	
A strong, diverse and sustainable local economy	X			
Meet local needs locally	X			
Opportunities for education and information			X	
Provision of appropriate and sustainable housing	X			
Personal safety and reduced fear of crime			X	
Equality in health and good health			X	
Access to cultural and leisure facilities			X	
Social inclusion / engage and consult communities			X	
Equal opportunities for the whole community			X	
Contribute to Woking's pride of place	X			