

Title of Report	LOCAL PLAN REVIEW – SELF BUILD POLICY	
Presented by	Chris Elston Head of Planning and Infrastructure	
Background Papers	<u>National Planning Policy Framework</u> <u>Housing and Planning Act 2016</u> <u>Self-build and Custom Housebuilding Regulations 2016</u> <u>Planning Practice Guidance – Self-build and custom housebuilding</u>	Public Report: Yes
		Key Decision: No
Financial Implications	None identified	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	Taken in to account in preparing the report	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None identified	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	This report outlines to Members the possible approaches to a Self and Custom Build Policy as part of the Substantive Local Plan Review.	
Recommendations	THAT THE LOCAL PLAN COMMITTEE (I) AGREES THE SUGGESTED POLICY ON SELF AND CUSTOM BUILD SET OUT AT PARAGRAPH 4.4 OF THIS REPORT AND; (II) THAT IT BE CONSULTED UPON IN THE NEXT ROUND OF CONSULTATION ON THE EMERGING LOCAL PLAN LATER IN 2020.	

1. BACKGROUND

- 1.1 Self build and custom housebuilding is a key element of the government's agenda to increase the supply of housing, both market and affordable. Its purpose is also to give more people the opportunity to build their own homes. Consequently, legislation has been introduced in recent year that places duties on Local Planning Authorities (LPAs) that are concerned with increasing the availability of land for self-building and custom housebuilding.
- 1.2 Members will recall that a report on self and custom build was considered by this committee on 12 September 2018. The issue of self and custom build was also included as part of the consultation undertaken in November 2018 on a number of matters of relevance to the Local Plan review.
- 1.3 The 12 September 2018 report set out the legislative background and the requirements placed on the Council. In summary:

- The Self Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) (“the Act”) provides a definition of self and custom housebuilding.
- There is a duty on Local Planning Authorities to maintain a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority’s area for their own self-builds and custom housebuilding.
- The Local Planning Authority then has a duty to have regard to the register when carrying out their planning function and in terms of plan-making
- The Act places a further duty upon LPAs to grant suitable development permission to enough suitable plots of land to meet the demand for self-build and custom housebuilding in their area as at the end of October for each year.

1.4 For clarification:

- Self and custom build is defined as the building or completion by individuals, an association of individuals or persons working with or for individuals, of houses to be occupied as homes by those individuals.
- A ‘serviced plot of land’ is defined as a plot of land that has access to the public highway and connections to utilities (electricity, water and wastewater), or a plot of land that these circumstances can be provided within a specific period of time.

1.5 The National Planning Policy Framework (NPPF) also provides advice and identifies that self and custom build properties can provide market or affordable housing. This guidance also recognises the contribution that smaller sites can make to housing delivery whilst also showing support for Councils to work with developers to sub-divide larger plots. Both these approaches would provide opportunities for self-build and custom build.

1.6 It is important to note that there is nothing set out in legislation or guidance that proposals for self and custom build applications should be treated any differently to applications for housing in general. It is therefore suggested that proposals for self and custom build properties will also be expected to comply with general housing policies in the Local Plan, for example, settlement hierarchy and the expectation that new housing development is to be located within the defined Limits to Development. It is on this basis that policy options have been identified and assessed. Other more recent adopted Local Plans have also been reviewed in terms of their Self and Custom Build policies, to assist in identifying the potential Local Plan policy approach.

2 CURRENT POLICY POSITION

2.1 The adopted North West Leicestershire Local Plan (Adopted 2017) does not include a policy addressing Self and Custom Build. However, as noted this issue was raised as part of the Local Plan Review: Emerging Options Consultation undertaken during November 2018 to January 2019.

2.2 A report to the meeting of this committee on 26 June 2019 considered all of the responses to that consultation. In terms of self and custom build, the responses received displayed broad support for the inclusion of a specific policy addressing the issues of self and custom build. However, there was the suggestion by some that a policy is not necessary as the Local Plan should be inherently acceptable to self and custom build developments through its general housing policies and application of the spatial hierarchy.

2.3 Of those who supported specific provision, most of the support was for it to be made through the following approaches;

- The allocation of specific land for self and custom housebuilding, particularly in the form of small-scale sites.
- The identification of sites through the Neighbourhood Plan process.

- The allocation of Council owned land for self and custom housebuilding.
 - The provision of sites through windfall development.
- 2.4 There was however significant objection to requiring the provision of self and custom build through the application of a Housing Mix Policy or as part of a Housing Site Allocation, where a specific number or percentage of self and custom build serviced plots would be sought. Specific concerns raised over these approaches, included the following;
- Plots could be left undeveloped and/or slow the rate of housing delivery.
 - There would be no increase in housing supply and this approach would lead to a change in the form of housing delivered.
 - The phasing and timescales for self/custom build development may not match those for the remainder of the site.
 - Health and safety implications.
- 2.5 The Local Plan Committee agreed not to require the provision of self and custom build plots as part of general market developments and that further consideration be given as to the most appropriate form of policy to be included as part of the Local Plan review.

3 POSSIBLE POLICY OPTIONS

- 3.1 National Planning Practice Guidance suggests how local authorities can best support self-build and custom housebuilding and the approaches include;
- Including policies in Local Plans for self and custom housebuilding.
 - Make Council land available for self and custom housebuilding and marketing available land to those on the register.
 - Engage with landowners with sites suitable for housing and encourage them to consider their development to be in the form of self and custom build.
- 3.2 As noted in paragraph 1.6 there is nothing set out in legislation or guidance that says that self and custom build applications should be treated any differently to applications for housing in general. It is on this basis that policy options have been identified and assessed.
- 3.3 Other more recent adopted Local Plans have also been reviewed in terms of their Self and Custom Build policies, to assist in identifying the potential Local Plan policy approach.
- 3.4 Four possible options are set out below.

Not have a policy

- 3.5 As noted in paragraphs 3.2 to 3.5 the inclusion of a possible policy in respect of Self and Custom Build has been consulted upon and the Local Plan Committee agreed to give consideration to the most appropriate form for such a policy. Therefore, not including a policy is not considered to be appropriate at this stage.

General Policy

- 3.6 A general policy could be used that states the Council's support for self and custom housebuilding and confirm its commitment to the maintenance of a self-build register.
- 3.7 This would demonstrate the Council's commitment to this issue but is not considered to add any value to the guidance contained in National Policy and also lacks a mechanism to deliver self and custom housebuilding plots.
- 3.8 This policy could be expanded to include a 'list of criteria' to identify the matters a self and custom development proposal should satisfy, for example, design, amenity and highway safety. However, these issues are not unique to this form of development and are

applicable to all new dwellings and housing development in the district. The current adopted Local Plan (2017) includes an 'Amenity' Policy that requires all new development to minimise their impact on amenity, and a 'Design' Policy that supports well-designed new developments taking into account their impact on the locality. It is advised that similar overarching policies would also be included within any future adopted Local Plan. Therefore, it would not be necessary for the inclusion of criteria within a specific 'Self and Custom Build' Policy.

- 3.9 These approaches have been used by the Blaby Local Plan (Adopted 2019) and Rushcliffe Local Plan Part 2: Land and Planning Policies (Adopted October 2019). Details of these policies are provided in Appendix A.

Specific Self-Build Housing Allocations

- 3.10 This approach would involve the identification and allocation of land within the Local Plan, to be used solely as self and custom build plots. A range of site sizes could be allocated and the number of sites provided could be calculated having regard to the demand for plots in the district, provided for by the Self Build Register. The advantage of this approach is that it would provide a mechanism for providing sites.
- 3.11 However, for this approach to be successful certainty over their delivery would need to be addressed. Allocations would need to be in locations, which are acceptable in planning terms, and where there is reasonable prospect that these developments would be delivered. This issue could however be addressed if it is identified that the provision of any of these sites would not count towards the district's overall housing provision, reducing concern over their deliverability.
- 3.12 Furthermore, questions are raised over the justification for allocating sites specifically for self and custom build as opposed to general housing, particularly given there are no 'special circumstances' in planning policy terms for self and custom build housing. It is also considered that this approach would not increase housing supply and could replace one form of housing (general) with another form of housing (self-build). This approach would need careful consideration to be given to what the overall housing needs are for the district, and to ensure that it is not provided at the expense of other forms of housing that meets a need.
- 3.13 The Council as a landowner could make land available for self and custom build. However, this Council does not own significant areas of land and so it is questionable as to how many plots could be delivered. Furthermore, the Council could still go down this route as landowner, irrespective of any specific policy provision in the Local Plan.
- 3.14 As an alternative, the Council could seek to bring forward land which it does not own, specifically for self and custom build. This approach could bring with it significant challenges and would need to be resourced with the Council willing to take on financial liabilities and risks in order to enable the acquisition of land for such an approach to work. Bearing in mind the relatively limited demand for these types of properties it is questionable as to whether these challenges and risks are proportionate to the benefits.

Housing Developments to Make Provision for a Percentage of Self Build Plots

- 3.15 This approach would enable the Council to seek a percentage of serviced plots for sale to self and custom builders, on housing developments of a stated size. This Committee has previously agreed not to require the provision of self and custom build plots as part of general market housing. The reasons for this are set out in the report to this Committee on 26 June 2019. However, this was in the context of requiring a specific proportion of all sites over a specified size to be for self and custom build plots.

4 CONCLUSIONS ON THE MOST APPROPRIATE POLICY APPROACH

4.1 Of the approaches outlined in the previous section it is considered that the specific allocation of sites for self and custom build is not appropriate for the reasons outlined in paragraphs 4.11 to 4.14 above.

4.2 Having considered the potential impacts and benefits of the potential policy approaches, it is recommended that the policy should be a hybrid of the potential approaches. The suggested policy is set out below. A similar policy has been supported as part of the Harborough Local Plan and it is considered that it addresses some of the concerns identified by Inspector's at other Examinations.

4.3 The suggested policy has a number of elements:

- Supports proposals for self and custom build housing in locations suitable for housing, including allocations, committed sites and windfall sites. The latter category essentially covers those sites which are not specifically identified for development but, for example, are within the Limits to Development. This Committee has previously agreed to amend the current settlement hierarchy policy to allow for some development in small villages where a local connection test can be satisfied. This could include proposals for Self and Custom Build.
- Seeks the provision of serviced plots for self and custom build housing on larger housing sites/allocations, providing there is evidence of demand.
- Identifies the site threshold for when self and custom build serviced plots are to be sought.
- Allows flexibility to facilitate the development of service plots that remain unsold for a period of time.

4.4 The suggested policy is:

Proposals which meet the definition of self-build and custom build housing will be supported in any location considered to be suitable for housing, in accordance with the policies of this Local Plan, including allocated sites, committed sites and windfall sites. Where there is clear evidence of demand in the district, as evidenced through the Self and Custom Build Register or other evidence submitted as part of any planning application, and where servicing and site arrangements can be made suitable and attractive for such homes, the Council will seek the provision of land for custom and self-build housing on housing sites capable of providing 50 or more dwellings, as part of an appropriate mix of dwellings.

Where self and custom build plots are included as part of a larger scheme which also includes plots or dwellings available on the open market, and where the self and custom build plots have been made available and marketed appropriately for a period of at least 12 months but have not been sold, then the plots may either remain available for purchase on the open market or be built out by the developer for sale on the open market.

4.5 A comprehensive review of the Local Plan is underway and it is anticipated that a public consultation on its contents will be undertaken later in 2020. It is therefore recommended that the suggested policy be consulted upon as part of this stage.

4.6 As part of the Local Plan review there will be a need to look at the Limits to Development. This will give consideration to how opportunities for the possible provision of self and custom build properties could also be accommodated.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Supporting Coalville to be a more vibrant, family-friendly town - Support for businesses and helping people into local jobs - Developing a clean and green district - Local people live in high quality, affordable homes - Our communities are safe, healthy and connected
Policy Considerations:	Local Plan Review
Safeguarding:	None discernible
Equalities/Diversity:	The Local Plan Review needs to be subject to an equalities impact assessment prior to its formal adoption.
Customer Impact:	None identified
Economic and Social Impact:	Provision of self and custom build homes will contribute to the districts housing need and mix.
Environment and Climate Change:	None
Consultation/Community Engagement:	The proposed policy wording will be consulted upon as part of the Local Plan Review consultation stages.
Risks:	A failure to meet the Council's duties with respect to self and custom housebuilding could leave the Council vulnerable to challenge.
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Blaby Local Plan (Adopted 2019)

DEVELOPMENT MANAGEMENT POLICY 10: Self and Custom Build Housing

Proposals for self and custom build housing will be supported in suitable locations. The Council will maintain a register of prospective self and custom house builders and have regard to the register in its decision making, plan making, housing and regeneration functions.

Rushcliffe Local Plan Part 2: Land and Planning Policies (Adopted October 2019)

POLICY 13 SELF-BUILD AND CUSTOM HOUSING PROVISION

1. Proposals for self-build and custom homes are encouraged and will be approved provided the following criteria are met:

- a) the development is in an appropriate location subject to compliance with all other relevant policy requirements in the Local Plan and national policy, including Green Belt, landscape, historic and environmental designations;
- b) it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;
- c) it would not cause a significant adverse impact on the amenity of nearby residents or occupiers; and
- d) there is no significant adverse impact on highway safety and adequate provision for access and parking is made.