

Decision Maker:	Cllr John Lodge, Leader of the Council	Date: 8 December 2020
Title:	Adopt Part 1 & 2 Self-Build Register	
Portfolio Holder:	Cllr John Evans, Portfolio Holder for Planning and the Local Plan	
Report Author:	Demetria Macdonald dmacdonald@uttlesford.gov.uk Tel: 01799 510518	Key decision: No

Summary

1. The Council has had a Self-build and Custom Housebuilding register since 2015 (henceforth referred to as the Register). Changes to legislation including i) a duty to grant sufficient development permissions in respect of serviced plots to meet demand evidenced in the Register, ii) ability to charge a fee and further clarity on the use of local eligibility criteria require a refinement to the current Council's Register in order to comply with these changes.
2. In order to reflect the changes and properly implement a robust Self-build register the Council can introduce local eligibility criteria and set a local connection test so that the Register can be split into two parts (Part 1 and Part 2). 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 meeting all eligibility criteria except for the local connection test must be entered on Part 2 of the Register.
3. Without a local connection test, anyone can apply to be placed on the Register and the Council should give suitable development permission to meet the demonstrated demand. Entries in Part 1 of the Register count towards the number of suitable serviced plots that the Council must grant sufficient planning permissions for. Entries on Part 2 do not count towards demand for the purpose of the Act but the Council must have regard to the entries on Part 2 when carrying out their planning, housing, land disposal functions.

Recommendations

4. That Cabinet resolves to introduce eligibility criteria and applies a local connection test, but not to introduce a charge for inclusion on the Self-Build and Custom Housebuilding Register.

Financial Implications

5. Any work associated with this will be met with existing resources.

Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

- Self- build and Custom Housebuilding Act 2015:
<http://www.legislation.gov.uk/ukpga/2015/17/contents/enacted> (as amended by the Housing and Planning Act 2016)
- Self-build and Custom Housebuilding regulations 2016
- The Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016

Impact

7.

Communication/Consultation	Introduction of eligibility test to be communicated by email and published on website to all entries on the register and developers.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	Self-build and custom build housing bring more choice into the housing market and enable people to design and build homes that meet their specific needs. Self-build housing can partly satisfy the affordable housing obligations from a residential development. Self-build development can provide for intermediate housing for rent or sale but would be subject to applying affordability and eligibility criteria.
Ward-specific impacts	Whole Uttlesford District
Workforce/Workplace	None

Situation

8. The Uttlesford Self Build Register has been in place since the commencement of the Act in 2015. As of 30 November 2020 there were 227 entries. From 2015 until November 2019 the Register did not have a Part 1 (local connection) and Part 2 (no local connection). The application form for entry onto the Register did not have any questions relating to whether applicants live in Uttlesford, work in Uttlesford or have family connections to Uttlesford and consequently no evidence was required. The splitting of the Register into Parts 1 and 2 was undertaken in late 2019 based on the applicant's given address and therefore not justified nor in compliance with the legislation.
9. In designing a local connection test, the Council can introduce criteria based on residency, having family members who reside in the local area and/or having an employment connection to the local area. In designing a financial solvency test the Council can assess whether the applicant can afford to purchase the land.
10. The supply of self/custom build plots is limited. It is suggested that a local connection test is appropriate to the district to ensure the duty to grant sufficient planning permissions is limited to appropriate individuals who can demonstrate a connection to the area. It is suggested that the following criteria be used to assign applicants to the Register to Part 1:
 - Have lived continuously in the Uttlesford District for the last three years; or
 - Living outside of Uttlesford but have immediate family members who have lived in Uttlesford for the last 5 years and either to whom they are giving substantial ongoing support, or from whom they are receiving substantial support; or
 - Are currently living outside of Uttlesford but have been permanently employed including self-employed in the Uttlesford District for a minimum of 3 years and working at least 24 hours per week ;or
 - Are currently serving with the armed forces or have left the services within the last three years. The Self-build and Custom Housebuilding Regulations 2016 (paragraph 5(3) states that, "A local connection test must include provision that any person in the service of the regular armed forces of the Crown is deemed to satisfy the test whilst in service and for a period after leaving service equal to the length of the longest of any periods required by the test for a condition to be satisfied".
11. In addition to a local eligibility test the Council can set a solvency test. As people will need to purchase their own plots this will establish solvency for market-based self/custom build plots.

Cost Recovery

12. The Council can set fees to be included on the Register but only 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 or remain on the Register. Cost Recovery is not recommended because the Council does not offer any significant additional services other than inputting personal details in the Register.

Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions
Sufficient planning permissions are not granted to meet the identified need	3 – Likely	3 – The Council is required to grant sufficient permissions to meet the need on the Register.	Splitting the entries into Part 1 and Part 2 will mean that applicants are split into those that have a local connection and those that do not.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.