



Demand Assessment for Self-build Housing
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“Self-build and custom housebuilding”

The building or completion by—
(a) individuals,
(b) associations of individuals, or
(c) persons working with or for individuals or associations of individuals,
of houses to be occupied as homes by those individuals.
But not the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person



The Legislation

Self-build and Custom Housebuilding Act 2015:

- Royal Assent March 2015
- In force 1 April 2016
- Duty to keep a register
- Duty to have regard to the register

The Legislation



Housing and Planning Act 2016:

- Royal Assent May 2016
- Relevant provisions 31 October 2016
- Amends 2015 Act
- Inserts new duty to grant sufficient suitable development permissions

The Legislation



- Self-build and Custom Housebuilding Regulations 2016
- Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016

Three Duties



- Duty to keep a register
- Duty to have regard to the register
- Duty to have sufficient plots to meet local demand

Duty to Keep a Register



S1: Duty for each *relevant authority* to keep a register of –
(a) individuals, and
(b) associations of individuals
who are seeking to acquire serviced plots of land in the authority’s area for their own self-build and custom housebuilding

Duty to Keep a Register



Relevant authority:
District Councils, County Councils and the Broads Authority

The Register



If a LPA sets local eligibility conditions, the register must be divided into two parts:
Part 1 and
Part 2 of the register

The Register



If a LPA does not set any eligibility criteria, references to Part 1 of the register are to be treated as a reference to the register kept by that authority

Eligibility: Part 1



An individual is eligible for entry in Part 1 of the register if s/he:

- (a) is 18 or over;
- (b) is a British citizen/EEA national/Swiss national;
- (c) satisfies any local eligibility conditions set by the LPA;
- (d) has paid any required fee to be entered in/to remain on the register; and
- (e) is seeking (alone or with others) to acquire a serviced plot of land in the LPA's area to build a house for their own self-build and custom housebuilding

Eligibility: Part 2



An individual is eligible for entry in Part 2 of the register if they meet all the eligibility requirements *apart from a local connection test*



Local eligibility conditions

LPAs may set certain criteria for eligibility for entry to the register:

- (1) Local connection
- (2) Sufficient resources



Local eligibility conditions

(1) Individuals must demonstrate sufficient connection to the authority's area –
“a local connection test”



Local eligibility conditions

(2) Individuals must demonstrate that they will have sufficient resources:

- to purchase land
- for their own self-build and custom housebuilding

Duty to have regard to the register



Each LPA must have regard to the register when carrying out functions relating to:

- a) planning
- b) housing
- c) the disposal of any LPA's land
- d) regeneration

Planning



- Includes plan-making and decision-taking functions
- The registers relating to the LPA's area may be a material consideration in decision-taking
- LPAs should use their evidence on demand for this form of housing from the registers in developing their Local Plan and associated documents

Housing



- Local housing authorities should consider the evidence of demand for self-build and custom housebuilding from the registers when carrying out their housing functions
- Includes preparing local housing strategies and developing plans for new housing on land owned by the local housing authority



Duty to have sufficient plots to meet local demand

LPA must give *suitable development permission* in respect of enough serviced plots of land to meet *the demand* for self-build and custom housebuilding *in each base period* – S. 2A Duty



Section 2A

Development permission means planning permission or permission in principle



Section 2A

Development permission is *suitable* if it is permission in respect of development that could include self-build and custom housebuilding

Section 2A



The demand is evidenced by the number of entries added during the base period to the register under Part 1 kept by the authority

Section 2A



If a person is entered in Part 2 of the register, they don't count towards the assessment of local demand and the Section 2A duty does not apply

Section 2A



- The first *base period* is the period –
(a) beginning with the day on which the register under s.1 is established, and
(b) ending on 30 October 2016
- Each subsequent *base period* is the period of 12 months beginning immediately after the end of the previous base period

Section 2A



Can't take into account development permission granted:

- in relation to a particular plot of land in relation to more than one base period, or
- before the start of the first base period

Timescales



Time allowed for LPA to comply with S2A duty in relation to any base period is **3 years** beginning immediately after the end of that base period

Base Dates - example



- First base date ends 30.10.2016
- Duty to comply by 30.10.2019

- Second base date ends 30.10.2017
- Duty to comply by 30.10.2020



2B Exemption from duty in Section 2A

A LPA may apply to the SoS under Section 2B(1) of the Act for exemption from the Section 2A duty *in certain circumstances*



Exemption

The circumstances:
for any base period the *demand* for self-build and custom housebuilding is greater than 20% of the land identified by the LPA as available for future housing (*“land availability”*)



Exemption

For any base period—
demand is the aggregate number of new entries in Part 1 of the register in that base period and the two preceding base periods

Exemption



For any base period—
land availability is the total number of new houses on land in the area of the LPA, assessed by the LPA as being likely to be deliverable in that base period, the two preceding base periods, and the two following base periods

Exemption



No account is to be taken of any demand or land availability in any year before the first base period

Exemption Application



An application for exemption must be:
•made within 6 months of the end of the base period for which the specified circumstances apply
•in writing

Exemption Application



Set out:

a) details of demand and land availability for the base period in question and any other relevant base periods

Exemption Application



Set out:

b) evidence of demand for other types of housing in the LPA's area

Exemption Application



Set out:

c) where no local connection test has been set, details of the number of individuals entered in the register who would be likely to meet a local connection test if one applied

Exemption Application



Set out:

d) details of the LPA's policies for self-build and custom housebuilding including how those policies would apply if an exemption were to be granted

Exemption Application



Set out:

e) any other relevant information

Exemption



If an exemption is granted in respect of a base period, there is no need for an application in respect of any subsequent base periods whilst the specified circumstances continue to apply *unless* the SoS gives written notice to the LPA that an application is required in respect of any base period.

Exemption



A LPA that is granted an exemption must notify any person entered on Part 1 of the register for the base period to which the exemption relates



Thank you!



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