



Report to Leader (Planning & Regeneration portfolio)

Decision Date:	15 September 2022
Reference number:	PR04.22
Title:	Implementation of a single Self-Build and Custom Housebuilding (SBC) Register
Cabinet Member(s):	Peter Strachan: Cabinet Member for Planning and Regeneration
Contact officer:	Margret Haggerty, Planning Policy Officer margret.haggerty@buckinghamshire.gov.uk
Ward(s) affected:	All of Buckinghamshire
Recommendation:	That the Leader agrees to implement a single Self-Build and Custom Housebuilding (SBC) Register, incorporating a local connection test and administration fees.
Reason for recommendation:	<p>The legacy planning authorities of Buckinghamshire maintained separate self-build registers and so there is a need to consolidate a new approach for BC. The Council has a duty to meet the demand on the register. A local connection test is recommended to focus the register on local needs so that it better reflects genuine local demand.</p> <p>Charging fees to cover the administration costs of running the register will further focus registrants with a genuine interest in settling/remaining in Buckinghamshire.</p>

1. Executive summary

- 1.1 The Self-build and Custom Housebuilding (SBC) Register is a register that we are required to keep of persons seeking to acquire land on which to build their own home within the Council area. The register notifies us of the level of demand which can then be used to plan for future needs for this type of housing.
- 1.2 When it was established in April 2020, the Council inherited the self-build registers of the legacy district councils (Aylesbury, Wycombe, Chiltern and South Bucks). These registers were operated using different approaches. We intend to develop and maintain a single register with a consistent approach across the Council area. This approach includes the introduction of a Local Connection Test which will split the register into 2 parts, and an administration fee for applicants.
- 1.3 All individuals (including every member within an association of individuals) must satisfy the new applicable criteria in order to be eligible for entry onto either Part 1 or Part 2 (as appropriate) of the register.
- 1.4 We will maintain the existing entries on the register until 31 October 2022, after which date, we will assess applications against the new eligibility requirements and the new charges will apply from 1 November 2022 until further reviewed.
- 1.5 This report seeks Leader approval to agree to implement a single Self-Build and Custom Housebuilding (SBC) Register, to set eligibility criteria and to charge fees to cover the cost of administering the register.
- 1.6 The Cabinet Member for Planning and Regeneration has been briefed about the proposed changes to the register and is content with the proposal.

2. Content of report

To introduce a local connection test

- 2.1 A Self-build and Custom Housebuilding Register is a register that local authorities are required to keep of persons seeking to acquire land to build a home. The [Self-build and Custom Housebuilding Act 2015](#) (as amended by the Housing and Planning Act 2016) came into effect on 1 April 2016.
- 2.2 It places a duty on the Council to meet the demand on the register. Explanation of the 'Duty' is found in section 11 of the appendix.
- 2.3 In defining self-build and custom housebuilding, the Act does not distinguish between self-build and custom build. But it requires that the built house must be occupied by the owner. This means that the individuals or groups must occupy the house they build. They can either build the home on their own or collaborate with builders.

- 2.4 For self-build, a person is more directly involved in organising and constructing their home from beginning to end. Community-led projects can also be defined as self-build. For custom build, a person makes key design and layout decisions but commissions a specialist developer to help deliver their home. In both instances, a full planning permission is required before building can start.
- 2.5 The register provides the Council with information on the level of demand which can then be used to plan for future needs for this type of housing. Inclusion on the register, therefore, is not an entitlement to the provision of serviced plots. However, we will, at our discretion, advise people on the register of relevant proposals for development. Subsequent applications for resident self-build and custom housebuilding projects will require the submission of planning applications and will be assessed on their merits in line with the Council's planning policies and guidance.
- 2.6 To join a self-build register, the applicant must meet the national eligibility criteria set out by the Self-build and Custom Housebuilding Regulations 2016. They must be:
- Over 18 years old;
 - a British citizen, a national of an EEA state or a national of Switzerland;
 - have paid any fee required by the Council to enter or remain on the register; and
 - seeking to build a home as their sole or main residence.
- 2.7 The 2016 Regulations also allow councils to set their own local criteria to establish a local connection to their area. If we choose to apply our own local connection criteria, the SBC register will be split into 2 parts:
- Part 1 register for those who meet the national and local connection criteria
 - Part 2 register for those who meet the national eligibility and other criteria but do not meet the local connection criteria.
- 2.8 The Council will count entries on the Part 1 register towards the level of need for serviced plots which the Council will aim to meet through local plan allocations and the determination of planning applications. Entries on Part 2 will not count towards demand for suitable serviced plots, but the Council must have regard to the entries on Part 2 when carrying out planning, housing, land disposal and regeneration functions. As it stands, the combined SBC registers for all the legacy areas suggests a potential demand of over 918 self-build and custom housebuilding plots. Detailed information is found in section 12 of the appendix.
- 2.9 A local connection test will set out a number of local eligibility criteria and an applicant has to meet at least one of these criteria, with evidence to show their connection to the council area. It therefore follows that having a local connection test increases the focus on local need and would have the greatest impact on ensuring the register shows a more representative local demand for SBC plots.

- 2.10 To be in the part 1 register, applicants have to meet one of the following local connection criteria:
- a) Have lived in the council area continuously for 2 years or more (evidence – *Council tax bill*)
 - b) Be in employment within the Council area for at least 2 years or about to take up permanent employment in the Council area (*pay slip or employment contract*)
 - c) Have immediate family members who have lived in the Council area for at least 3 years – (*Name and address of the family member*)
 - d) Currently serve in the regular armed forces of the Crown or have left regular service within the last 5 years. (*Armed forces Identification/veteran id cards*).
- 2.11 All the legacy district areas except Wycombe already have a local connection test. For consistency, the Council carried out a non-statutory consultation across the whole Council area before the test can be introduced.

To introduce a self-build administration fee

- 2.12 The Self-build and Custom Housebuilding Regulations 2016 (as amended) allow the Council to introduce fees to cover the costs of administering the Register. It allows us to charge an entry and retainer fee to individuals and association of individuals who apply to be entered on the register. These fees could be different between individuals and association of individuals where the processing cost incurred is different. Currently, Aylesbury is the only legacy area that charges a Part 1 register entry fee of £25.
- 2.13 The fees being proposed are:
- Part 1 Register - £25 entry and annual fee for everyone who wants to enter and remain on Part 1 Register.
 - Part 2 Register - £10 entry fee only (because the demand will not count towards the number of SBC plots that the Council needs to provide).
- 2.14 We have carefully considered the fees to ensure that they reflect the cost likely to be incurred by the use of Council resources. Further details on the fees can be found below under Section 4 (Financial Implications). We also carried out a benchmarking exercise which showed that fees charged by some local authorities ranged from £20 - £165.

3. Other options considered

To include a Financial Solvency test

- 3.1 This option assesses whether an applicant can afford to purchase the land. This could involve requesting proof of a mortgage or offer, verifiable loans, savings or cash, or other funding sources.
- 3.2 The advantage of this option is that it strengthens the validity of demand so that the register further reflects need rather than aspiration.
- 3.3 The disadvantage is that it places a burden on the Council to assess and verify the financial proof or evidence. Circumstances may also change from when this information is provided, and a plot becomes available, consequently requiring regular monitoring. Furthermore, assessing this information requires expertise and experience that is unlikely to be readily available within the Council.
- 3.4 We have therefore not recommended this option to be included.

To do nothing (Self-build Registers remain as they are)

- 3.5 The Council currently manages the 4 legacy registers which are all operated using different approaches. The current registers overestimate demand because not all the areas have criteria to demonstrate a local connection to the Council. Therefore, it is not clear whether they are accurately representing a justified level of demand for self-build and custom housebuilding.
- 3.6 Given the high demand for self-build plots and the land constraints across parts of the Council area, the Council needs to prioritise individuals with the strongest connections to the area, as allowed under the Act.
- 3.7 This option is therefore not recommended.

4. Legal and financial implications

Resource

- 4.1 In terms of resources, we expect a significant increase in effort to manage the new SBC register when local eligibility criteria and fees are introduced across the Council as detailed in section 4.3 below.
- 4.2 To implement the new approach, we will need to create the new register and amend the website to take account of the new criteria; the IT and Finance teams will need to update the website, develop a new submission form and set up procedures to collect the fees.
- 4.3 Ongoing effort will be needed to:
 - assess the submitted documents
 - request additional information if necessary
 - update the register itself
 - correspond with applicants

- source potential specialist advice to assess information against regulatory requirements
- take payment
- liaise with developers and agents for available plots
- liaise with IT to update the Council website
- advise registrants of potential self-build developments
- prepare an annual report and correspond with applicants.

Financial Implications

- 4.4 We propose to charge a £25 entry and annual fee for people on Part 1 of the register and £10 entry fee only for people on Part 2.
- 4.5 We consider that the proposed fees (£25 for part 1 and £10 for part 2) are appropriate for Buckinghamshire because they will cover the cost of officer time to administer the register but not undermine the national policy drive to encourage custom and self-building.
- 4.6 This cost is based on advice from the Finance team considering all the expected resource implications mentioned above in section 4.3 and is equivalent to around one hour of a Range 4-5 officer's time per application.
- 4.7 The fee covers the tasks set out in 4.3 above.
- 4.8 Working from data and assumptions in the old registers for 2020-21, our proposed approach could have generated about £2800 during that year. Section 12.4 in the appendix sets out how we calculated the assumed income in detail.
- 4.9 The financial calculation done by the Finance team confirms that this fee structure represents a full cost recovery for the Council. As the proposed fee is nominal, the income will be used as a contribution to wider Planning income targets which we will keep under yearly review. The planning income target, therefore, need not increase by the difference.
- 4.10 The Council reserves the right to review the costs yearly once the fee has been implemented and in operation for 12 months. It may then adjust the fees accordingly.

Legal Implications

- 4.11 Paragraph 3(2A) of the Self-build and Custom Housebuilding Act 2015 provides 'for eligibility to be determined by reference to criteria set by a relevant authority.' The regulations therefore, enable local authorities to introduce a local connection test (Regulations 5(2)). Furthermore, the Government's Planning Practice Guidance (PPG) advises that councils should consult on any proposal to introduce a local connection

test before it is introduced. We carried out a public consultation which ran from 27 June to 8 August 2022. Section 7 sets out more detail about the consultation.

- 4.12 Paragraph 6(1) of the Self-build and Custom Housebuilding Act 2015 provides ‘for the payment of fees to relevant authorities in connection with their functions’. The supporting PPG advises that authorities, at their discretion, can introduce fees to cover the costs of administering the Register and that authorities can also charge a higher entry fee to those on the Part 1 register since their entry onto the register counts towards the number of suitable serviced plots that the council must grant development permission.
- 4.13 It is important to note that unmet demand and insufficient policy provision to meet demand can expose the Council to planning decision challenges and appeals.

5. Corporate implications

- 5.1 The SBC supports the Council’s Corporate Plan priority of ‘Improving our environment’ by encouraging the diversification of the housing stock and promoting well-designed homes built by smaller developers and local house builders.
- 5.2 In terms of equality, the Equality Impact Assessment has identified that the online application process may prove to be difficult for those with disabilities. In mitigation, we therefore propose that, if requested, we will take applications by phone or enable forms to be sent out by post if this is more accessible for the applicant.
- 5.3 In terms of data protection, the SBC register will have regards to the requirements of the GDPR when collecting and processing personal data. We will ensure data quality and minimisation by only collecting and applying the required data.

6. Local councillors & community boards consultation & views

- 6.1 The Self-build and Custom Housebuilding Register affects all areas of Buckinghamshire. It does not have a ‘local’ focus for the decision.

7. Communication, engagement & further consultation

- 7.1 The Self-build and Custom housebuilding consultation was made available on the ‘Your Voice Bucks’ website during the consultation period. We wrote to everyone already registered on the legacy registers; Town and Parish Councils; and other specific government bodies sending them a link to the Self-build and Custom Housebuilding Register and asking them if they wish to comment on its contents.
- 7.2 We publicised the consultation through the Member newsletter, the town and parish newsletter, and social media.

Consultation Feedback

- 7.3 The SBC consultation ran from 27 June to 8 August 2022. We received 74 responses. All but 6 of the respondents filled in the consultation survey via the 'Your Voice Bucks' link provided. Of the 74 respondents, 6 either own a business or represent a community or voluntary group in Buckinghamshire. 4 of the respondents were elected representatives in Buckinghamshire.
- 7.4 More than 80% of respondents live in Buckinghamshire, and there was overwhelming support for the introduction of a local connection test.
- 7.5 Just under half agreed with the local connection criteria and the length of connection required. Roughly equal proportions of respondents wanted either longer (16%) or shorter (13%) connection periods.
- 7.6 Of the respondents who made further comments, the main concerns/issues raised are:
- People living close to the Council boundaries will be disadvantaged as well as those who have an historic connection to the Council area but have moved away for study or work.
 - The criterion "About to take up employment" is not a local connection but an anticipated future local connection and therefore should not be part of the criteria.
 - With 'having immediate family', respondents want the term 'immediate' to be made clear as to its meaning in relation to the local connection test.
- 7.7 We also received comments from Bierton and Coleshill Parish Councils. Bierton PC would like the proposed length of local connection to be longer while Coleshill PC would like the length of time to be shorter, and does not feel that the employment and immediate family member criteria are suitable. Their main concerns were that those who live in Buckinghamshire but work outside, for example in London, may be disadvantaged.

Council's response – proposed Revisions to the Registration Process

- 7.7 In the light of the consultation responses received, we are proposing that the 2-year criteria remain as those living close to the boundary as well as those with an historic connection will still be able to register to be placed on the part 2 of the Self Build Register. We will also notify people on the part 2 register when self-build plots become available.
- 7.8 For the employment criterion, we propose to remove the words 'about to take up employment' and replace it with 'persons must be in a permanent or in a continuous temporary employment within the council area for at least 2 years'.

- 7.9 We will clearly define ‘immediate family member’ on the website, to include parents, children, siblings and spouses.
- 7.10 There was a feeling from the responses analysed that an applicant must meet all the local connection criteria. The requirement is for applicants to meet **one** of the criteria and this will be emphasised on the website.

Next steps

- 7.10 Subject to the approval of the proposed changes to the Council’s Self Build and Custom housebuilding Register by the Leader, officers in the Planning Policy team will then contact everyone on the existing registers to inform them of the changes and invite them to re-register their interest.
- 7.11 We will update the relevant web pages to let people know about the new process and eligibility criteria.

8. Background papers

None.

9. Your questions and views (for key decisions)

If you have any questions about the matters contained in this report, please contact the author of this report. If you have any views that you would like the Cabinet Member to consider please inform the Democratic Services team. This can be done by telephone 01296 382343 or email democracy@buckinghamshire.gov.uk.



Appendix

10. SBC duty on the Council

- 10.1 The [Self-build and Custom Housebuilding Act 2015](#) places a duty on the Council to meet the demand on the register. The duty is the requirement to grant ‘development permissions’ for enough ‘serviced plots’ to meet demand during a given period. Serviced plots are plots that are within a development site which already has a planning permission and comes fully serviced – road access, foul and surface water drainage and utilities including water, gas, electricity and telecommunications.

11. SBC Current situation

- **Aylesbury area** has part 1 and part 2 registers with a local connection test. There is a requirement to provide proof of connection. In addition to this there is an entry fee of £25. So far Aylesbury area has notified applicants of 61 available plots.

Aylesbury area currently has 130 registrants since the start of the SBC requirement.

- **Chiltern and South Bucks areas** have part 1 and part 2 registers each with a local connection test. There is a requirement to provide proof of connection but there is no entry fee. The local plans and core strategies of both Chiltern and South Bucks were adopted in 1997, 1999, and 2011 respectively. They make no provision for self-build and custom housebuilding.

Chiltern area currently has 154 registrants since the start of the SBC requirement while South Bucks has 116.

- **Wycombe area** has a self-build register, which does not have a local connection test; therefore, the register is not split into 2 parts.

Wycombe area currently has 518 registrants since the start of the SBC requirement

This suggests a potential overall demand of over 918 self-build and custom housebuilding plots for the Council area.

12. Current Policies in the Local plans

- 12.1 The Vale of Aylesbury Local Plan – Policy H5 makes provision for self-build on an unspecified percentage basis for developments proposing 100 dwellings and above.

- 12.2 The Wycombe Local Plan – Policy DM22 makes provision for self-build on a 5% basis for developments of 100 dwellings or more.
- 12.3 The local plans and core strategies of both Chiltern and South Bucks were adopted in 1997, 1999, and 2011 respectively, therefore were in existence before the Self-build and Custom Housebuilding Act 2015 came into effect. They make no provision for self-build and custom housebuilding.

Assumptions on income that could be generated yearly

- 12.4 The following assumptions have been made regarding the volume of applications, to estimate the income that could be generated by the proposed new fee within a year.

Year Oct 2020 – Oct 2021

Area	Total	Part 1 (£25)	Part 2 (£10)
Aylesbury - £25 entry fee	33	11	22
Chiltern - no entry fee	30	16	14
South Bucks – no entry fee	31	12	19
Wycombe – no 2-part register	87	29 (assumed)	68 (assumed)
Assumed total income for a year	£2,800	£1,700	£1,130

- 12.5 Using the percentage rate for the Aylesbury area (because it has an entry fee), Part 1 makes up 33% of the register. If we apply this percentage to the Wycombe register, it would mean that about 29 people could be on a part 1 of the Wycombe SBC register.
- 12.6 We then applied the proposed fees of £25 for part 1 and £10 for part 2, to calculate assumed annual income that could be generated following 12 months from implementation of the new process.

