

Calderdale MBC

Wards Affected ALL

Cabinet 12th June 2023



Self and Custom Build Housing Supplementary Planning Document

Report of Director of Regeneration and Strategy

1. Purpose of Report

- 1.1 Following adoption of the Calderdale Local Plan on 22nd March 2023, a suite of Supplementary Planning Documents (SPDs) is in preparation and will be brought to Cabinet in due course. The first raft of SPDs to be brought to Cabinet includes the SPD on Self and Custom Build Housing.
- 1.2 The Self and Custom Build Housing SPD will support the Vision 2024 theme of distinctiveness in creating housing and places where people want to live. The SPD will also support the Council's Corporate Priorities to 'Tackle the Climate Emergency', 'Reduce Inequalities', and 'Create Strong, Thriving Towns'.

2. Need for a decision

- 2.1 The Self and Custom Build Housing SPD is brought to Cabinet in order to seek approval to undertake formal consultation as required by the Town and Country Planning (Local Planning (England) Regulations 2012.
- 2.2 Once adopted by the Council, SPDs become a material consideration which can be taken into account when determining planning applications.

3. Recommendation

- 3.1 That approval be given to proceed to public consultation on the draft Self and Custom Build Housing Supplementary Planning Document (Appendix 1) for four weeks.

4. Background

Policy and Planning Practice Guidance

- 4.1 Policy HS5 of the Calderdale Local Plan sets out the Council's requirements for Self and Custom Build Housing provision. The SPD (attached as Appendix 1 to this report) provides technical guidance as to the nature of the Self and Custom Build Housing to be provided and the means of delivery.
- 4.2 The role of SPDs is clearly set out in the Planning Practice Guidance as follows (Paragraph: 008 Reference ID: 61-008-20190315):

What is the role of supplementary planning documents?

Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.

- 4.3 The Planning Practice Guidance referred to above also provides details on whether SPDs require a Sustainability Appraisal or a Strategic Environmental assessment (SEA). The guidance states that

"Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the relevant strategic policies".

- 4.4 Given the Local Plan policy HS5 was subject to the Local Plan Sustainability Appraisal that incorporated the relevant requirements of the SEA Directive there is no further requirement to carry out SEA against this Self and Custom Build Housing SPD.

Overview of the Draft SPD on Self and Custom Build Housing

- 4.5 The current draft SPD on Self and Custom Build Housing has been prepared by officers in the Spatial Planning Team, with input from Housing colleagues in relation to the section on affordable housing.
- 4.6 The Draft SPD is appended to this report. It covers the following main areas:
 - Introduction - Purpose of the SPD
 - Definition of Self and Custom Housebuilding
 - Policy Background
 - The Self and Custom Housebuilding Register

- Assessing the Level of Provision
- Delivery of Serviced Plots
- Marketing
- Affordable Housing
- Community Infrastructure Levy
- Further Guidance and Information
- Appendices
 - Overview of process
 - Conditions on development
 - Marketing Strategies

Self and Custom Build Housing

- 4.7 Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) defines self-build and custom housebuilding as:

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 it does not include 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.'

- 4.8 The definitions of Self and Custom Build Housing adopted by the SPD do not include speculative housing provided by a developer off-plan, even those where the final specification of, for example, kitchens or bathrooms is chosen by the purchaser. Planning Practice Guidance states that authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.
- 4.9 The National Planning Policy Framework 2021 sets out at paragraph 62 that *“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes **and people wishing to commission or build their own homes**).*” [emphasis added].
- 4.10 The Planning practice Guidance states that “In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.”

- 4.11 The SPD sets out the Self-Build and Custom Housebuilding policy HS5. The policy sets a threshold of requiring 5% of the overall housing on sites of 100 or more dwellings to be provided as serviced plots for self and custom build need.
- 4.12 The SPD provides information on the Self and Custom Housebuilding Register; which requires the Council to keep a register of applications from individuals or associations of individuals who are seeking to acquire serviced plots for their own self and custom build house.
- 4.13 The legislation imposes a duty upon the Council to grant sufficient permissions to meet the demand for self-build and custom housebuilding in their area on a rolling three-year basis. The register therefore provides valuable information on the demand for self and custom build housing in the Borough.
- 4.14 In relation to the register, this showed that as at October 2022 198 individuals and 3 associations had registered an interest. Of these 155 applicants confirmed they would be interested in obtaining a plot as part of a larger development. As part of the process the council will also publish an annual report in relation to the demand and supply of this type of housing.
- 4.15 The SPD provides guidance on assessing the level of requirement on qualifying sites with worked examples to ensure that developers are aware of the Council's requirement, and how this will be delivered.
- 4.16 The SPD includes advice on the requirement for a Design Code to be prepared by the plot provider and the suggested elements of the development the Design Code should cover.
- 4.17 In terms of timing of delivery, the SPD sets out the Council's requirements to ensure that the identified demand for Self and Custom Build Housing is met in a timely manner and that such plots which are part of a larger scheme are delivered before or at least in step with the conventional housing.
- 4.18 There is guidance on the marketing of plots for Self and Custom Build Housing and the SPD sets out a procedure that the Council would expect the developer to adhere to in relation to a marketing strategy.
- 4.19 In relation to Affordable Housing, the SPD provides commentary on how Self and Custom Build Housing will only be accepted as a contribution to an Affordable Housing Requirement in exceptional circumstances. Such circumstances are addressed through the Affordable Housing SPD.
- 4.20 The SPD concludes with a section on the Community Infrastructure Levy (CIL), and explains that basically, a self-build home, if appropriately qualifying as such and if appropriate documentation is provided to the Council in a timely manner, would not need to pay any CIL charge.

Consultation

- 4.21 Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing

Supplementary Planning Documents. Under Reg 12a local planning authorities must prepare a Statement of Consultation prior to adopting an SPD.

- 4.22 Consultation will be undertaken via the Council's on-line consultation portal (Objective) and for a period of four weeks in line with the Regulations.

5. Options considered

- 5.1 The following options are considered:

Option 1 - Cabinet agree to proceed to consult on the Self and Custom Build Housing SPD for four weeks

Reason: The Self and Custom Build Housing SPD is required to be consulted on as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. This is the preferred option.

Option 2 - Cabinet do not agree to proceed to consultation on the Self and Custom Build Housing SPD

- 5.2 Should cabinet determine not to proceed with the Self and Custom Build Housing SPD. This would make implementation of Policy HS5 of the Local Plan more difficult to achieve and lengthen the time taken to determine applications for this type of proposal.
- 5.3 Option 1 is recommended to cabinet as this would enable the SPD to continue to be prepared in line with the regulations and subsequently proceed to adoption by the Council.

6. Financial implications

- 6.1 Although the levels of Self and Custom Build Housing will be relatively minor, overall it will increase the housing provision in the Borough and therefore will create construction activity and the economic benefits this brings.

7. Legal Implications

- 7.1 Consultation must be undertaken on the SPD and any comments received taken into account in order to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012. Following the consultation and consideration of responses, a report will be brought to Cabinet reporting on the consultation and seeking approval for the final version of the SPD.

8. Human Resources and Organisation Development Implications

- 8.1 None arising directly from this SPD but a general increase in the number of sites coming forward following the adoption of the Local Plan will require a greater amount of officer time negotiating Self and Custom Build Housing with developers.

9. Consultation

- 9.1 Consultation was undertaken on the Draft Local Plan including Policy HS5. Specific consultation on the Draft SPD is proposed as set out in Section 4 of this report.

10. Environment, Health and Economic Implications

- 10.1 Implementation of Policy HS5 via the SPD will help improve the quality of the built environment.
- 10.2 Implementation of the SPD will also help further the Council's Priorities in creating mixed and balanced communities.
- 10.3 Development of Self and Custom Build Housing will also present job opportunities for smaller construction firms who tend to have a more local presence thereby helping the local economy.

11. Equality and Diversity

- 11.1 The Local Plan was subject to an Equality Impact Assessment. It is therefore not considered to be required for the more technical SPD.

12. Summary and Recommendations

- 12.1 That approval be given to proceed to public consultation on the draft Self and Custom Build Housing Supplementary Planning Document (Appendix 1) for four weeks.
- 12.2 The SPD is required to be consulted on as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.

For further information on this report, contact:

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Appendices:

Appendix 1 – Self and Custom Build Housing SPD

Documents used in the preparation of this report are :

1. Calderdale Local Plan, adopted March 2023
2. Report on the Examination of the Calderdale Local Plan, Planning Inspectorate, January 2023
3. Town and Country Planning (Local Planning) (England) Regulations 2012, Statutory Instrument 2012/No.767
4. Planning Practice Guidance, DLUHC, 2019

The documents are available for inspection at:

The Town Hall Halifax and online at www.calderdale.gov.uk.

DLUHC documents available at: [Plan-making - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

DRAFT SELF AND CUSTOM BUILD HOUSING SPD