

# Self-Build and Custom Housebuilding Proof of Evidence of Andrew Moger BA (Hons) MA MRTPI

---

Land adjacent to Oakhurst Rise, Charlton Kings,  
Cheltenham

# Self-Build and Custom Housebuilding Proof of Evidence of Andrew Moger BA (Hons) MA MRTPI

---

Outline application for 43 dwellings including access, layout and scale,  
with all other matters reserved for future consideration.

Land adjacent to Oakhurst Rise, Charlton Kings, Cheltenham

W Morrison (Cheltenham) Ltd & Carmelite Charitable Trust

February 2021

PINS REF: APP/B1065/B1605/W/20/3261154

LPA REF: 20/00683/OUT

OUR REF: M19/0606-07.RPT

---

TETLOW KING PLANNING  
UNIT 2, ECLIPSE OFFICE PARK, HIGH STREET, STAPLE HILL, BRISTOL, BS16 5EL  
Tel: 0117 9561916 Email: [all@tetlow-king.co.uk](mailto:all@tetlow-king.co.uk)

[www.tetlow-king.co.uk](http://www.tetlow-king.co.uk)

## Contents

Section 1	Introduction	1
Section 2	Evolution of Self-Build and Custom Housebuilding in the National Policy Context	4
Section 3	The Development Plan and Related Policies	26
Section 4	Self-Build and Custom Housebuilding Demand and Delivery in Cheltenham Borough	35
Section 5	Weight to be attributed to the Provision of Self- Build and Custom Housebuilding	49
Section 6	Summary and Conclusions	58

## Appendices

Appendix AM1	Freedom of Information Correspondence (6, 7, 27 and 29 January and 3 February 2021)
Appendix AM2	Self-Build and Custom Housebuilding Section of the Planning Practice Guidance (8 February 2021)
Appendix AM3	Buildstore Demand Data (11 January 2021)
Appendix AM4	Cheltenham Borough Council response to the National Custom and Self-Build Association Freedom of Information Request (7 November 2019)
Appendix AM5	Self-Build and Custom Housebuilding Analysis of Joint Core Strategy and Cheltenham Plan Allocations

# Introduction

---

## Section 1

- 1.1 My name is **Andrew Moger**, and I am instructed by **W Morrison (Cheltenham) Ltd and Carmelite Charitable Trust** to examine the Self-Build and Custom Housebuilding sector in Cheltenham Borough in relation to the appeal proposals.
- 1.2 My credentials in relation to the Self-Build and Custom Housebuilding sector are as follows:
- I hold a Bachelor of Arts (Hons) degree in Design, Development and Regeneration from Nottingham Trent University (2005) and a Master's degree in Spatial Planning from Birmingham City University (2009). I am a Chartered Member of the Royal Town Planning Institute.
  - I have 14 years professional experience in the field of town planning and housing. I was employed across various local authorities in the Midlands and South West regions between 2006 and 2012 and I have been in private practice since 2013.
  - I have previously provided evidence on the need for Self-Build and Custom Housebuilding serviced plots to meet identified demand at several Section 78 inquiries, Hearings and at Local Plan Examinations.
  - I acted as planning consultant for Carillion-Igloo Regeneration Partnership and Coastline Housing Association to secure consent for 54 Custom Build homes, 70 affordable homes and 20 open market dwellings in Pool, Cornwall in 2015. This was the first pilot scheme implemented by Homes England to kick-start the Government's commitment to maximising opportunities for Custom Build homes and tap into the growing demand from the British public to create their own unique and individual home.
  - I advised on the Frome Neighbourhood Plan in relation to the introduction of a Self-Build and Custom Housebuilding policy to encourage community-led housing and co-housing.
  - I am retained by the Ministry for Housing, Communities and Local Government funded Right to Build Task Force to act for a range of clients as a national Self-Build and Custom Housebuilding expert. The Task Force has been established by

the National Custom and Self-Build Association (NaCSBA) to help local authorities, community groups and other organisations across the UK deliver Self-Build and Custom Housebuilding projects. The Task Force is Government endorsed and funded, having been recognised in the Housing White Paper: Fixing our Broken Housing Market.

- I have advised a number of private clients on Self-Build and Custom Housebuilding schemes through my role within the Right to Build Task Force in Bristol, Suffolk and Cornwall as well as advising local authorities in Devon, Bedfordshire, Carlisle, Eden, Humberside, Essex and Oxfordshire on their Self-Build and Custom Housebuilding Registers and their Policy approach.
- I am retained by Self-Build and Design Magazine to provide an 'ask-an-expert' service and deliver seminars on Self-Build and Custom Housebuilding at both their annual East and West Self-Build and Design Shows.
- I am the retained planning consultant for Custom Build Homes, the UK's leading Custom Build specialists.

1.3 The appeal scheme seeks permission for 43 dwellings, of which 10% - a total of 4 plots – are to be provided as serviced plots for Self-Build and Custom Housebuilding.

1.4 In preparing this Proof of Evidence I have placed reliance upon information received through a Freedom of Information (FOI) request that was submitted to Cheltenham Borough Council on 6 January 2021 requesting a range of information relating to the Self-Build Register.

1.5 The initial response to my FOI request was received on 27 January 2021 and a further response on points of clarification was received on 3 February 2021. All correspondence relating to the FOI material is included as **Appendix AM1**.

1.6 This Proof of Evidence comprises six sections:

- Section 2 considers the evolution of Self-Build and Custom Housebuilding in the national policy context, drawing on a range of sources including national strategies, national policy, the Housing White Paper and briefing papers;
- Section 3 reviews the policy context in Cheltenham Borough in relation to Self-Build and Custom Housebuilding;

- Section 4 considers the demand for Self-Build and Custom Housebuilding in the Borough and the extent to which serviced plots are being delivered to meet this demand;
- Section 5 discusses the weight to be attributed to the provision of Self-Build and Custom Housebuilding through the appeal proposals, in light of the evidence of demand in the area; and
- Section 6 draws together my summary and conclusions.

# Evolution of Self-Build and Custom Housebuilding in the National Policy Context

---

## Section 2

- 2.1 The provision of Self-Build and Custom Housebuilding is increasingly forming a key part of the planning system. The demand for this tenure of housing was first detailed in the 2011 Housing Strategy for England and has since become enshrined in national policy within the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

### **Laying the Foundations: A Housing Strategy for England (2011) – CD-J18**

- 2.2 At paragraph 67 of the Strategy, it set out that Custom Build housing brings many benefits including *“providing affordable bespoke-designed market housing, promoting design quality, environmental sustainability, driving innovation in building techniques and entrepreneurialism”*.
- 2.3 It went on at paragraph 68 to state that *“there are over 100,000 people looking for building plots across the country and we know from recent market research that one in two people would consider building their own home if they could.”*
- 2.4 The Strategy set out at paragraph 69 that the Government recognised that by overcoming the main challenges which are holding back the potential of this sector (which it identifies as including a lack of land), Custom Build housing can make a stronger contribution to economic growth.
- 2.5 Furthermore, it found that *“by making it easier for ordinary people to build their own homes, there is the potential to deliver wider benefits of affordable, greener and innovatively designed homes and to make a significant contribution to the number of new homes built in this country”*.
- 2.6 The Government's ambition was clearly detailed at paragraph 71 which stated that *“the Government wants to make building your own home a mainstream housing option – an affordable way of building a place people are proud to call home”*.
- 2.7 It went on to set out that the Government's *“immediate aspiration is to unlock the growth potential of the Custom Build homes market and double its size over the next*



*decade, to create up to 100,000 additional Custom Build Homes over the next decade and enable the industry to support up to 50,000 jobs directly and indirectly per year”.*

### **National Planning Policy Framework (2012)**

- 2.8 The now superseded National Planning Policy Framework 2012 (NPPF 2012) required local authorities to ensure that their strategies for housing, employment and other uses were integrated and that they took full account of relevant market and economic signals (paragraph 158).
- 2.9 In doing so local authorities were instructed to undertake a Strategic Housing Market Assessment (SHMA) to assess their future housing requirements and to work with neighbouring authorities where housing market areas cross administrative boundaries (paragraph 159). The NPPF 2012 made clear this included the need to take account of requirements for *“people wishing to build their own homes”*.
- 2.10 Having assessed these requirements, paragraph 50 told local authorities to then plan for a mix of housing to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. This was required to take account of current and future demographic and market trends and the needs of different groups in the community, including *“people wishing to build their own homes”*.

### **The Community Infrastructure Levy (Amendment) Regulations (2014) – CD-J19**

- 2.11 The amendments to the Community Infrastructure Levy (CIL) regulations on 24 February 2014 introduced the exemption for Self-Build and Custom Housebuilding at section 54A. The regulations stated that:  
  
*“54A. – (1) Subject to paragraphs (10)<sup>1</sup> and (11)<sup>2</sup>, a person (P) is eligible for an exemption from liability to pay CIL in respect of a chargeable development, or part of a chargeable development, if it comprises Self-Build housing or Self-Build communal development.*  
  
*(2) Self-Build housing is a dwelling built by P (including where built following a commission by P) and occupied by P as P’s sole or main residence.”*
- 2.12 The regulations went on at section 54D to set out a clawback mechanism in the event that a disqualifying event occurred:

<sup>1</sup> Which covers the authority being satisfied that the exemption does not constitute State Aid which would require approval by the European Commission

<sup>2</sup> Which covers that where paragraph 10 applies relief should be granted up to an amount which would not constitute State Aid.

*“54D. – (1) This regulation applies if an exemption for Self-Build housing is granted and a disqualifying event occurs before the end of the clawback period.*

*(2) For the purposes of this regulation, a disqualifying event is –*

- (a) Any change in relation to the Self-Build housing or Self-Build communal development which is the subject of the exemption such that it ceases to be Self-Build housing or Self-Build communal development;*
- (b) A failure to comply with regulation 54(C)<sup>3</sup>;*
- (c) The letting out of a whole dwelling or building that is Self-Build housing or Self-Build communal development;*
- (d) The sale of the Self-Build housing; or*
- (e) The sale of the Self-Build communal development.*

2.13 The regulations defined the clawback period in relation to Self-Build at regulation 3(1)(b) as:

*“Clawback period means –*

- (b) In relation to the exemption for Self-Build housing, the period of three years beginning with the date of the compliance certificate relating to the relevant dwelling.*

#### **House of Commons Debate (7 May 2014) – CD-J21**

2.14 Richard Bacon MP opened his Adjournment Debate by stating that *“it is a great pleasure to have an adjournment debate on the importance of self-build and custom-build housing”*.

2.15 He went on to explain that:

*“I should also say at the outset that the term “self-build” is in some ways perhaps almost uniquely unhelpful as it immediately creates the impression that everyone who wishes to do this has to learn how to become a plumber or an electrician or a joiner, and that simply is not the case. Probably the best definition I have come across was in a paper by Alex Morton, then of Policy Exchange, called “A Right to Build: Local homes for local people.” I should say that Alex Morton has done a great deal to promote the*

---

<sup>3</sup> Which relates to the compliance certificates

*interests of this sector and to draw the Government's attention to its value. In answer to the question about what we mean by self-build, he stated:*

*The notion of self-build...does not mean that the entire process is handled by a single individual from start to end. It means that an individual or family has had serious input in the design and construction of a house, a house they then live in for a prolonged period of time."*

- 2.16 In discussing the market for self-build and custom build as a product, Mr Bacon explained that:

*"The self-build market is divided into a number of different components. Perhaps the most established is what we might even call the "established market", comprising people in their 40s, 50s or early 60s who already own a property and have the cash available to buy a plot, and whose typical budget is in the region of £250,000 to £350,000.*

*Such people are primarily driven by the opportunity to have the home they really want and to reduce running costs...*

*...They build houses that have lower running costs than the ones they were building 20 years ago, but it is possible to build a house that costs £200 a year to run, as I found when I visited a Passivhaus in my constituency that was built by the excellent Saffron Housing Trust. As I was told that, I thought that that is exactly the sum we pay out on the winter fuel allowance each year, and it would be much better to have homes that cost little to heat rather than paying so much money to people to insulate poorly constructed and insulated homes of an old design."*

- 2.17 Further expanding upon this he went on to detail that:

*"The sector I just described, the more established market, is only one part of the self-build market—or the interest for self-build, as I should call it.*

*The potential boom that could arise in self-build will be driven by a different group of people: a younger generation in their 20s, 30s and perhaps 40s, many of whom are struggling to afford a new home and have much smaller budgets, perhaps of £100,000 or up to £200,000.*

*Such people will be driven by the opportunity to have a say in the home they really want, but mainly by the affordability benefit"* (emphasis added).

- 2.18 Mr Bacon went on to explain that the UK is far behind its European neighbours in this sector, noting that *“in Denmark 40% to 45% of houses are constructed in this way. In France and Germany, countries that are in many ways comparable to the UK, although France has a bit more land, the figure is more like 50% to 60%. The figure for Sweden is 65% and even the figure for little Austria is 80% or higher.”*
- 2.19 Highlighting some of the issues facing prospective self-builders in the UK, he set out that *“the issue is the structure of our entire market and how difficult that makes it for anyone who would like to self-build to get things off the ground. People often do not have a real or effective choice that they can turn into a reality; it is an aspiration rather than a reality in many cases”* (emphasis added).
- 2.20 Addressing the issue of choice in the marketplace, he stated:  
*“That brings me to the issue of choice in the marketplace. When we ask what people spend most of their money on, we find that for nearly all of us it is where we live, whether we are renting or buying, yet more genuine choice exists in the market for beer, apples, or perhaps even toothpaste than in the market for housing. It is an extraordinary paradox that where people spend the most money, they also have the least choice”* (emphasis added).
- 2.21 Mr Bacon was clear:  
*“There is enormous pent-up demand in this country as well, but it just does not know where to go or how to get a foothold”* (emphasis added).

### **The Self-Build and Custom Housebuilding Act (2015) – CD-J9**

- 2.22 The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) placed a legal duty on local authorities to keep a Register of individuals and associations of individuals (i.e., groups) who want to acquire serviced plots of land and to have regard to that Register when carrying out its planning, housing, land disposal and regeneration functions.
- 2.23 Local authorities can separate their Register into two parts (Part 1 and Part 2) if they introduce a local connection test, with those people who meet the criteria of such a test being placed on Part 1 of the Register. Those who meet all of the statutory eligibility criteria to join the Register except for the local connection test must be entered onto Part 2 of the Register. This does not apply to members of the Armed Forces.
- 2.24 Conditions for a local connection are broadly defined in legislation and it is left to the authority to decide the criteria to use *“as the authority reasonably considers*

*demonstrates that the individual has sufficient connection with the authority's area"* provided that such a test is justified, proportionate and introduced in response to a recognised local issue.

- 2.25 Government guidance also says such tests should be reviewed periodically to ensure they remain appropriate and are still achieving their desired effect.
- 2.26 The effect of this in practice is that the requirement to give suitable development permission for enough serviced plots of land to meet the demand on the Register only applies to the number of households entered on Part 1 of the Register.
- 2.27 Local authorities can also introduce a registration fee and impose a financial solvency test, which can be used to assess whether an applicant can afford (i.e., has sufficient resources) to purchase the plot of land they are seeking.
- 2.28 A legal definition of Self-Build and Custom Housebuilding, for the purpose of applying the Act, is contained in Section 1(A1) and (A2) of that Act as:

*"(A1) In this Act 'Self-Build and Custom housebuilding' means the building or completions 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.*

*(A2) 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".*

### **The Housing and Planning Act (2016) – CD-J22**

- 2.29 The 2016 Housing and Planning Act at Section 10 placed a duty (which came into force on 31 October 2016) on local authorities to grant sufficient development permissions to meet the demand for Self-Build and Custom Housebuilding in their area arising in each Base Period within the three years after the end of the Base Period.
- 2.30 A serviced plot is one that has access to a public highway and has connections for electricity, waste and water, or can be provided with those things in specified circumstances or within a specific period.

- 2.31 There is no requirement to disaggregate the supply to meet demand in specific parts of a local authority area. Government guidance instead required that local authorities should use the preferences expressed by those on their Register to guide decisions when discharging their duties under the legislation.
- 2.32 There is no duty on authorities to directly provide the serviced plots themselves, but Government guidance advised that they can work in partnership with another landowner - a public body or a private landowner; deliver plots through their planning policies; and, by encouraging and permitting planning applications, either as windfall or as part of a larger site.

#### **The Self-Build and Custom Housebuilding (Time for Compliance and Fees) Regulations (2016) – CD-J23**

- 2.33 The Time for Compliance and Fees Regulations set out at part two that *“the time allowed for an authority to which section 2A of the Act (duty to grant planning permission etc) applies to comply with the duty under subsection (2) of that section in relation to any Base Period is the period of 3 years beginning immediately after the end of that Base Period (d).”*

#### **The Housing White Paper: Fixing Our Broken Housing Market (February 2017) – CD-J24**

- 2.34 The White Paper offered strong support for Custom Build housing, with the sector identified as an important driver to help diversify and fix the broken housing market.
- 2.35 The White Paper clearly signalled the intention to support Custom Build homes by enabling greater access to land and finance in order to give more people more choice over the design of their home.
- 2.36 The White Paper specifically stated that *“the Government wants to support the growth of Custom Build homes”* at paragraph 3.14 and acknowledged that such homes are generally built more quickly and to a higher quality than other homes, and that they tend to use more productive, modern methods of construction. It said that whilst fewer homes are Custom Build in England than many other countries, there is evidence of more demand for them, including from older people.

#### **House of Commons Briefing Paper: Self-Build and Custom Build Housing (March 2017) – CD-J25**

- 2.37 Chapter three of the briefing paper set out that there may be significant unmet demand for Self-Build and Custom Housebuilding in the UK. It reported that a YouGov survey



commissioned by the Building Societies Association (BSA) and published in October 2011 found that 53% of people in the UK would consider building their own home given the opportunity.

- 2.38 At chapter four the briefing paper referenced the University of York's 2013 report on the Self-Build market<sup>4</sup> which identified a series of challenges to Self-Build projects which included *"land supply and procurement"* and *"the planning process and variations in planning authority approaches"*.
- 2.39 It went on to refer to AMA Market Research set out in its 'Self-Build Housing Market Report – UK 2014-2018 Analysis' which summarised constraints to growth of the sector in stating that *"a number of issues, including...difficulties in obtaining suitable land and planning permission, continue to constrain growth within the Self-Build market."*
- 2.40 It found that *"as a result, Self-Build completions have declined in recent years from a peak of around 14,000 units in 2007 to around 10,600 in 2013, and the UK continues to have one of the lowest rates of Self-Building in Europe."*
- 2.41 Reference was also drawn to AMA's Self-Build Housing Market Report – UK 2016-2020 Analysis which found that *"the last couple of years have seen a great deal of activity in the Self-Build sector through Government incentives and greater media exposure"*, yet reported that *"despite these positive influences, Self-Build completions are still below Government targets and a number of challenges still constrain growth in the sector"* including *"ongoing difficulties surrounding the availability of land for Self-Build projects"* (emphasis added).

#### **House of Commons Debate (16 October 2018) – CD-J26**

- 2.42 On 16 October 2018 during a debate on Housing and Home Ownership, Scott Mann MP for North Cornwall asked the then Housing Minister, Kit Malthouse, whether he *"agrees with the sentiment that there is no better help that we can give to an individual than to allocate them a plot and allow them to build their own home?"*.
- 2.43 Mr Malthouse's response was emphatic in stating that:
- "I wholeheartedly agree on Self-Build, which I am very keen to encourage, something like three out of four houses in Austria are Self-Built or Custom Built. It holds enormous capacity for the future. I recommend that my hon. Friend go and visit a site called*

---

<sup>4</sup> Wallace A, Ford J and Quilgars D, Build it yourself? Understanding the changing landscape of the UK Self-Build market, Centre for Housing Policy, University of York (2013)

*Graven Hill just outside of Bicester, which is the largest Self-Build site in Europe, and which will deliver around 1,400 Self-Build homes.*

*It is quite something to see – an amazing array of different houses. There is a house that look like a stealth bomber sitting next to a swiss chalet, a Cotswold cottage and a flat-pack house from Poland. As I said on the fringes of Conference, I think the site will be a conservation area in the future because of the effervescence of design that is taking place there.*

*We are very keen to encourage Self-Build*” (emphasis added).

### **The Letwin Review: Independent Review of Build Out (October 2018) – CD-J29**

2.44 At section three The Letwin Review set out a series of recommendations for increasing diversity through a new planning framework for larger sites.

2.45 Paragraph 3.8 recommended that:

*“All large housing sites above 1,500 units must strive to achieve sufficient diversity to support the timely build out of the site and high-quality development. Housing diversity includes housing of differing type, size and style, design and tenure mix. It also includes housing sold or let to specific groups such as older person’s housing and student accommodation, and plots sold for custom or self-build...*

*...As a minimum, each phase should draw housing from each of the following categories...housing for specified groups and custom build: these housing types can contribute significantly to housing diversity. Each phase should deliver housing of this type to serve local needs.”*

2.46 Section four addressed increasing diversity through a new development structure for large sites in the future, with paragraph 4.1 detailing that the rules recommended in section three “*are intended to apply to the granting of new outline permissions for all sites of over 1,500 units in areas of high housing demand, regardless of where in the country they lie and regardless of whether they have or have not yet been allocated*”.

2.47 The Review also recommended at paragraph 4.6 that local authorities be given explicit statutory powers to draw upon models of development which are familiar in much of continental Europe.

2.48 It indicated at paragraph 4.7 that where such bodies exist in the UK (i.e., Mayoral Development Corporations, New Town Development Corporations and Urban



Development Corporations) they are able to develop land to benefit from a wide diversity of housing to match the particular circumstances of local markets.

- 2.49 Paragraph 4.8 explained that such bodies are able to “*invest in appropriate infrastructure (including major infrastructure) and thereby to provide well-prepared terrain (or even serviced plots) which major builders, small and medium-sized builders, private rental institutional investors, housing associations...custom-builders, and self-builders can all use to enter the housing market on the site*”.
- 2.50 In light of which paragraph 4.11 recommended that in areas of high housing demand, new forms of development vehicles are created to develop sites through masterplans and design codes to increase diversity and attractiveness and hence its build out rate.

### **National Planning Policy Framework (2019) – CD-D1**

- 2.51 The NPPF 2019 at section five covers delivering a sufficient supply of homes and at paragraph 59 makes clear that local authorities need to make sufficient provision of land with permission without delay to meet the needs of different groups.
- 2.52 Paragraph 60 says that in determining the minimum number of homes needed, strategic policies should be informed by a local housing need assessment. It goes on at Paragraph 61 to say that within this context, the size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in policy, including “*people wishing to commission or build their own homes*” with footnote 26 of the NPPF 2019 detailing that:

*“Under Section 1 of the Self-Build and Custom Housebuilding Act 2015, local authorities are required to keep a Register of those seeking to acquire serviced plots in the area for their own Self-Build and Custom Housebuilding. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and Custom Build properties could provide market or affordable housing”.*

- 2.53 Annex 2 of the NPPF 2019 defines Self-Build and Custom Housebuilding as:
- “Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-Build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.”*

## House of Commons Debate on Housing (28 March 2019) – CD-J27

- 2.54 In the debate surrounding the subject of housing, Richard Bacon MP, the Right to Build Taskforce Ambassador, set out that:

*“It is absolutely clear that we have a very big housing problem, and have had a very big problem, for some years. I have been attending seminars, roundtables and conferences on housing for at least seven years. I first went to the QEII Centre to hear Adri Duivesteijn, the godfather of the self-build and custom house building movement in the Netherlands—a former Dutch Member of Parliament who then became the mayor of Almere, a community in the Netherlands that I think I am right in saying the Minister has visited. Since then, I have been to many events of various kinds, and everyone has their own diagnosis of the problems and their own solutions, but generally they all mention land, planning or finance. They often mention the role of the volume house builders, the way in which local council planning authorities are stretched and the difficulty in getting access to land.*

*Many of these points have a great deal of truth about them, but the issue can be encapsulated much more simply in the following sentence: the supply of housing does not rise to meet the demand for housing...*

*...The strange thing is that if one asks consumers what they think and what they want, as has been done several times by independent, authoritative opinion pollster organisations that have been commissioned for the purpose, they will come up with the following result. Somewhere between two thirds and three quarters of people do not want to buy the products of volume house builders. The figure of 75% comes from a YouGov survey conducted by the National Custom and Self Build Association, which is a trade body for, as the name suggests, self-building and custom house building...”* (emphasis added).

- 2.55 Mr Bacon went on to explain that:

*“When I came off the Public Accounts Committee in 2017, it was to spend time on the Right to Build Task Force, an initiative set up by the National Custom and Self Build Association to help local councils, developers, community groups and landowners who want to bring forward self-build and custom house building projects on serviced plots of land—that is to say, where all the difficult bits such as fresh water, sewage, electricity, broad- band and so on are already dealt with—in order to increase supply and give people more choice. That is what I have spent most of the last two years in this place doing.*

*The Right to Build Task Force has been going for two years...*

*...Over 50 organisations have been helped, of which 60% are local councils, with the rest being community groups, landowners and developers. There is a whole range of examples of its work. Aylesbury Woodlands in Buckinghamshire will have a project where 15% of all the new homes are custom and self-build. Cornwall has an ambition to bring forward up to 1,000 serviced plots across the county. I am looking around for my hon. Friend the Member for North Cornwall (Scott Mann), who arranged the meeting we had with the Prime Minister on this very subject and who is a passionate believer in more serviced plots. North Northamptonshire has a plan whereby as many as 10% of homes could be custom and self-built across several different local authorities. There are rural areas such as Eden in Cumbria, which is looking at a range of opportunities for affordable homes for local people. King's Lynn and North Norfolk, in my own county of Norfolk, has agreed an action plan to drive up delivery across the area with landowners and smaller builders. A lot is going on already, but the thing is that there could be very much more going on.*

*This is the fundamental point. It is a quote from Andrew Baddeley-Chappell, a former director of Nationwide building society, who is now the chief executive of NaCSBA, while still chairing the Bank of England residential property forum. He has said:*

*"Custom and Self-build can deliver more and better homes that more people aspire to live in and that communities are happier to see built."*

*...If we want more homes, we have to build them in a way that people want. At the moment, the problem is that most local people feel they have no say or voice in what gets built, where it gets built, what it looks like, how it performs—its thermal performance and therefore what it costs to run—and, absolutely crucially, who gets the chance to live there. If we change all that, we change the conversation. As the right hon. Member for Leeds Central (Hilary Benn), the former shadow Secretary of State said, we need to turn NIMBYs into YIMBYs. Prince Charles put it even better when His Royal Highness referred to BIMBYs—beauty in my backyard. We need to create an environment in which people actually welcome housing. We have reached the tipping point now in that more people want it than do not, because people have begun to realise how serious the crisis is...*

*...We also need clarity about what counts. Some local authorities are gaming the system, and in some cases local authorities are not clear what counts towards their legal obligations to provide permissioned plots of land. Some councils are allowing the conversion of holiday lets into private dwellings under the happy delusion that that*

counts towards meeting their legal obligations under the right to build legislation, and some of them may be in for a rude awakening at some point...

...My third request is about the Planning Inspectorate. It is absolutely imperative that Government planning inspectors properly apply the current provisions of the legislation when they determine planning appeals and when they examine local plans. There is clear evidence that that is not happening as it should—mostly because planning inspectors are unfamiliar with the law in this area, which is still quite new. The obvious answer is to have training for inspectors. The Secretary of State has agreed with me at the Dispatch Box that we should do that, although it has not happened yet. I urge the Minister to pursue that and engage with the taskforce in identifying exactly what training is required.

We need something to help raise consumer awareness. Most people would like to commission a project of their own at some point in their lives; 1 million people would like to do that in the next 12 months, yet only 12,000 to 15,000 do. The reason is that it is very difficult to get a serviced plot of land. If getting one were as easy as it is to go into a Ford dealership and buy a Ford Fiesta, far more people would do it” (emphasis added).

- 2.56 In reply, the then Minister for Housing, Kit Malthouse MP, stated that “on the Planning Inspectorate, my hon. Friend is right. We are trying to talk to staff about how they can be more consistent in their decision making and apply it more regularly across the country” and that “I would be more than happy to join my hon. Friend in raising consumer awareness...”

#### **House of Commons Debate on the British Housebuilding Industry (5 September 2019) – CD-J28**

- 2.57 In the debate on the British housebuilding industry Richard Bacon MP stated that:

*“I am accused of wanting everyone to learn how to be a builder and build their own house. It has nothing to do with doing it yourself. It is very important to stress that. It is about self-commissioning and giving the customer more power. I will be briefing the Minister next week on the terms of the Self-build and Custom Housebuilding Act 2015, which commenced three years ago in April 2016, and the way it was augmented successfully by the Housing and Planning Act 2016, so that now the more people who are on the local register the greater the legal obligation on a council to provide suitable planning permissions.*

*The point about having individuals and associations of individuals under the terms of the legislation is that it could apply to anybody. It could be used by school governors wishing to use the provision of a serviced plot of land as a recruitment and retention tool; by local social services directors trying to recruit social work managers in parts of the country where it is difficult to find the right calibre of social worker; by NHS trusts trying to accommodate staff, whether young junior doctors, paramedics or ambulance staff; by local Army commanders trying to retain that very expensively trained staff sergeant with 20 years' experience; by the Royal British Legion and other veterans groups trying to accommodate veterans; by probationers and ex-offenders trying to make sure that ex-offenders coming out of prison have accommodation that is not the drug dealer's sofa; and by the homeless themselves—I have seen just outside Berlin, in Potsdam, homeless single mums building their own accommodation for an affordable rent.*

*That brings me to my next point: it has nothing to do with tenure. One can use self-build and custom house building both for private ownership and for all kinds of affordable accommodation models, including mutual housing co-operatives and various other types of social landlords.*

*I am keen to keep my remarks brief, but I want to say a few things to the Minister about what the Right to Build Task Force, which I have been involved with for some years, is now looking for. We had £350,000 of funding from the Nationwide Building Society, and with that we can evidence an additional 6,000 to 9,000 houses added to the pipeline in the last three years. If we can do that with £350,000, think what we could do with some serious money. I would like the Department to take on the funding for that, but also as part of a help-to-build team installed within Homes England with the task of facilitating the delivery of serviced plots, buying land, and working with local authorities and other public sector partners on public sector land for a range of client groups, especially the young and those who have been most marginalised. That team should also reach out to anybody who wants to get a serviced plot so that we reach a point where someone can go to the plot shop in the local town hall in their home town and find a plot of land as easily as people can in the Netherlands, where I have seen it done.*

*We have to put help to build on a level playing field with Help to Buy. The Government are currently planning to spend £22 billion on Help to Buy, subsidising demand, when we should really be subsidising supply. If one wants more of something, then subsidise it and it will happen. I know from many people I have spoken to, including Treasury*

*Ministers, that there is a desire to do something about the growing cost of Help to Buy. The obvious thing to do is to wean people off Help to Buy—a subsidy for demand—and wean them on to a subsidy for supply, thus increasing supply.*

*We have to remove the regulations that currently allow local authorities to charge people to be on the register each year. Most do not, but Camden and Islington councils charge £350, and people do not get any guarantee of a plot for that...*

*...The charge is supposed to recover the cost of keeping a register, but that is really very small—it can be done in an exercise book kept in a drawer or on a spreadsheet.*

*We need to introduce a series of specific planning reforms, particularly allowing for exception sites where councils are not fulfilling their legal obligations. We need to make it clear that the national planning policy framework has a presumption in favour of sustainable development in circumstances where councils fail to meet their duties under the legislation, irrespective of whether there is a five-year land supply, in terms of providing service plots. We need to introduce changes to the planning system that provide greater predictability to reduce the planning risk—for example, through the compulsory use of form-based codes or through local development orders. We need to take forward the proposals in the White Paper to facilitate land pooling, which has worked very successfully in Germany and elsewhere on the continent.*

*We do have a broken system and doing more of the same will not produce a different result. We have to think differently and do differently. I encourage the Minister to take that responsibility seriously” (emphasis added).*

2.58 In response, the then Housing Minister, Esther McVey MP, stated that:

*“More importantly, as my hon. Friend the Member for South Norfolk (Mr Bacon) said, we want there to be the right to build: we want to be able to make sure there are not just a few companies, building thousands of homes, because there could be thousands of individuals making their own homes. That is what we are about: choice and opportunity as we go forward.”*

### **The Community Infrastructure Levy (Amendments) Regulations (2019) – CD-J20**

2.59 The 2019 amendments to the CIL Regulations continued to support an exemption for Self-Build and Custom Housebuilding.



**Speech by Former Minister of State for Housing at the RESI Convention  
(12 September 2019) – CD-J30**

2.60 The former Housing Minister, Esther McVey MP, set out that the Government's *"collective commitment to deliver the homes this country needs has been constant and unwavering"*.

2.61 Ms McVey first discussed the Self-Build and Custom Housebuilding sector when she stated:

*"Right to Build, so many places around the world have far more people building their own homes, so we're going to be there, whether its support for Right to Buy or Right to Build.*

*And also supporting communities, for Communities to Build.*

*Because there are so many houses to build – we need to open up all of those opportunities"* (emphasis added).

2.62 She went on to add further support to the sector in stating that:

*"I just think of the opportunities, enormous opportunities, exciting prospects and I'm talking in design and type.*

*I'm talking in diversity of homes.*

*I'm talking in technology of the home.*

*I'm talking environmentally of the home - carbon zero homes.*

*I'm taking creativity, in the style of the home, the type of living, reflecting the needs of people, whichever part of the housing ladder, young single people, divorcees, elderly, disabled people, families – all kinds of partnerships.*

*Each one of these needs a different type of home.*

*Are we really reflecting those different types of homes and needs?*

*I speak to young people across the country and they say these homes don't really reflect what we'd like to see. Some want a family home, some want a bigger home, some want what they see as more like a future community - living in an exceptional space, maybe with a shared gym, maybe with a shared space downstairs, and within it an apartment as their own home, these would be much cheaper in price, a smaller apartment that they could own.*

*Surely between us, looking across what's happening in the world, we can get the homes that different generations want.*

*And what about the jobs and the careers to build all these homes, we need to think about that. We need to be opening up this house building to SME's, bringing them onboard, bringing it to communities, bringing it to the self-build and bringing in modern methods of construction* (emphasis added).

### **National Design Guide: Planning practice guidance for beautiful, enduring and successful spaces (September 2019) – CD-J31**

- 2.63 The introduction to the National Design Guide explains that it *“illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice”* and *“forms part of the Governments collection of planning practice guidance and should be read alongside the separate planning practice guidance”*.
- 2.64 Paragraph 18 recognises that younger people's expectations are changing and that this is leading to new lifestyles and models of home ownership, including *“more communal forms of living, such as cohousing”*. It identifies that new models of development are also emerging and that *“these include new off-site production methods, the use of digital technologies for production and customisation, and an increase in self and custom-build.”*
- 2.65 In outlining the components for good design, paragraph 30 discusses the importance of materials and construction techniques and explains that *“modern methods of construction are becoming more common, whether in the form of mass production of modular construction, or off-site bespoke construction for self or custom-build”*.
- 2.66 Section two of the Guide sets out the ten characteristics that make up the Governments priorities for well-designed places. Within this, paragraph 118 states that:  
  
*“Well-designed larger scale developments include a range of tenures. They also promote a variety of development models, such as community-led development, self and custom-build and build to rent. This supports a diversity of delivery, by small as well as large developers. It also helps to create rich, diverse settlements”* (emphasis added).

### **Conservative Party Election Manifesto (December 2019) – CD-J32**

- 2.67 The Conservative Party Manifesto reaffirmed the Government's commitment to Self-Build and Custom Housebuilding where it set out at page 31 under the headline of 'places we want to live in' and sub-heading of 'community housing and self-build' that



they will “support community housing by helping people who want to build their own homes find plots of land and access the Help to Buy scheme”.

### **Speech by Chief Secretary to the Treasury (28 July 2020) – CD-J33**

- 2.68 In his first speech to thinktank Onward as Chief Secretary to the Treasury, Steve Barclay, discussed housing and covered the custom build sector where he talked about the Japanese pre-fabricated homes market:

*“Customers are able to personalise their future home to match their individual needs and aspirations – making buying a home closer to the experience of buying a car. This is what we should be seeing in the UK.”*

### **Planning for the Future: White Paper (August 2020) – CD-J34**

- 2.69 In setting out the aims of the White Paper, it stated at paragraph 1.12 that:

*“We wish to...support innovative developers and housebuilders, including small and medium-sized enterprises (SMEs) and self-builders.”*

- 2.70 Reference was also made under the fifth pillar at paragraph 1.20 to supporting the self-build sector through exploring the disposal of publicly owned land. Proposal 1 which related to simplified land use plans, proposed at paragraph 2.10 that in Growth areas:

*“Sub-areas to be created specifically for self and custom-build homes, and community housing developments, to allow a range of housing aspirations to be met and help create diverse and flourishing communities. In the case of self and custom-build homes, local authorities should identify enough land to meet the requirements identified in their Self-Build and Custom Housebuilding registers.”*

- 2.71 To further encourage the growth of this sector, despite proposing a series of changes to the Infrastructure Levy, the White Paper was clear at paragraph 4.19 that the Government “will maintain the exemption of self and custom-build development from the Infrastructure Levy.”

### **Press release: Boost for families wishing to build their own home (30 October 2020) – CD-J35**

- 2.72 On 30 October 2020, which represented the annual Right to Build Day, the Housing Secretary, Robert Jenrick MP, announced a review to make it easier for people to build their own home.

2.73 The press release stated that:

*“Building or designing your own home plays an important part in helping people get a foot on the housing ladder. Currently there are around 15,000 of these types of homes built every year – an increase of 50% in 2 years. But there is still more to be done to support the self and custom build industry, last estimated be worth almost £4.5 billion to the UK economy.*

*Councils are currently required to keep a register of those who wish to build in their local area. And by 30 October each year – ‘Right to Build’ day – councils should have granted planning permission to enough suitable plots to match the demand on their register.*

*The review announced today will examine how effectively these arrangements support self and custom building, including whether they increase land available to support these homes.*

*And the Housing Secretary has written to councils to ensure they consider the demand for these homes when providing land for building and making planning decisions in their area.”*

2.74 Mr Jenrick was quoted as saying that:

*“We are backing people who want to design and build their own home and today I have launched a review to ensure councils provide enough land and take proper consideration for these homes when making planning decisions in their area.*

*This will help more people get a foot on the housing ladder and support our building industry as we deliver the homes that this country needs.”*

**Speech by Secretary of State for Housing, Communities and Local Government at the RESI Convention (11 November 2020) – CD-J36**

2.75 The Housing Secretary set out in his keynote speech to the RESI convention that one of the Government’s core objectives is *“having more diverse, competitive planning system and house building market”*.

2.76 Mr Jenrick went on to state that:

*“Thirty years ago, small builders accounted for 40% of new build homes. This has since fallen to just 12%. SMEs are vital for long-term housing delivery. Between 2010 and 2018, they were responsible for the creation of around 140,000 jobs.*

*Self-build and modular construction techniques have also struggled to gain a foothold.*

*This is bad not just for housing delivery, but also for the innovation and competition for the productivity of the UK economy. We want to make the UK a world leader and see the businesses taking root in the Midlands and the North grow, thrive, build more of those homes and see more of the product they rely on manufactured in the UK.”*

**The Chancellor of the Exchequer's Spending Review (25 November 2020) – CD-J37**

- 2.77 The Chancellor, Rishi Sunak MP, announced £2.2bn of new loan finance to support housebuilders across the country, in his spending Review of November 2020 which included delivering Help to Build for custom and self-builders, and funding for SMEs and modern methods of construction.

**Ministry of Housing, Communities and Local Government Planning Newsletter No.1 of 2021 (5 February 2021) – CD-J51**

- 2.78 The Planning Newsletter from Joanna Averley, Chief Planner, under the heading of ‘update on Self & Custom Housebuilding’ states that:

*“The Government believes self and custom build housing can play a crucial role in securing greater diversity in the housing market as well as helping to deliver the homes people want. Self and custom builders are well placed to build high quality, well designed homes that are energy efficient, accessible, affordable and welcomed by their communities...”*

*...We are undertaking a review of the effectiveness of the Self-build and Custom Housebuilding Act 2015 (‘Right to Build’) in the context of our wider planning reforms. Given the legislation has been in place since 2016, it is now time to consider whether the legislation is having the desired effect in supporting self and custom build nationally.*

*We are updating Planning Practice Guidance to provide greater clarity and certainty for authorities to bring more land forward. We are also publishing the data returns that local authorities have reported on self and custom build activity in their areas.*

*In addition, the Department is funding the Right to Build Task Force to provide expert support and guidance to local authorities in England to support the delivery of more self and custom build homes.”*

## Planning Practice Guidance (2021)

2.79 The Self-Build and Custom Housebuilding section first introduced on 1 April 2016 and last updated on 8 February 2021 (**Appendix AM2**).

2.80 Paragraph 038<sup>5</sup> provides guidance on what constitutes a suitable development permission in respect of meeting the Statutory Duty under the heading of ‘how can authorities record suitable permissions’. This states that:

*“The legislation does not specify how suitable permissions must be recorded. However, the following are examples of methods a relevant authority may wish to consider to determine if an application, permission or development is for self-build or custom housebuilding:*

- *Whether developers have identified that self-build or custom build plots will be included as part of their development and it is clear that the initial owner of the homes will have primary input into its final design and layout;*
- *Whether a planning application references self-build or custom build and it is clear that the initial owner of the homes will have primary input into its final design and layout; and*
- *Whether a Community Infrastructure Levy or Section 106 exemption has been granted for a particular development.*

*A relevant authority must be satisfied that development permissions being counted meet the legislative requirements”.*

2.81 It also sets out<sup>6</sup> 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.*

*Off-plan housing homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing.”*

2.82 The benefits of self-build and custom housebuilding are set out at paragraph 16a<sup>7</sup> which explains that *“self-build or custom build helps to diversify the housing market and increase consumer choice. Self-build and custom housebuilders choose the*

<sup>5</sup> Paragraph: 038 Reference ID: 57-038-20210508

<sup>6</sup> Paragraph 016 Reference ID 57-016-20210208

<sup>7</sup> Paragraph 16a Reference ID: 57-016a-20210208

*design and layout of their home and can be innovative in both its design and construction”.*

- 2.83 Paragraph 011<sup>8</sup> details that *“local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources (as outlined in the housing and economic development needs guidance) to understand and consider future need for this type of housing in their area.”*
- 2.84 It goes on to explain that *“secondary data sources can include data from building plot search websites, enquiries for building plots recorded by local estate agents and surveys of local residents. Demand assessment tools can also be utilised”.*
- 2.85 The PPG sets out<sup>9</sup> that *“section 2(1) of the Self-Build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register”* and that *“the registers that relate to the area of a local planning authority – and the duty to have regard to them – needs to be taken into account in preparing planning policies, and are also likely to be a material consideration in decisions involving proposals for self and custom housebuilding”.*

### **Conclusions on the Evolution of Self-Build and Custom Housebuilding in the National Policy Context**

- 2.86 Central Government has been consistent in seeking to boost the supply of Self-Build and Custom Housebuilding for almost a decade, starting with the 2011 Housing Strategy for England and it is clear that there is national demand for this type of housing. More recently Government announcements have included the availability of increased funding to support the growth of this sector.
- 2.87 The requirement to deliver Self-Build and Custom Build homes is now enshrined in national policy through both the NPPF 2019 and the PPG.
- 2.88 Local authorities are required to address this through granting sufficient development consents to meet the demand for Self-Build and Custom Housebuilding arising within their administrative area and should examine secondary data sources in addition to their Register numbers in order to obtain a robust assessment of demand.

---

<sup>8</sup> Paragraph 011 Reference ID: 57-011-20210208

<sup>9</sup> Paragraph 014 Reference ID: 57-014-20210508

# The Development Plan and Related Policies

---

## Section 3

### **Introduction**

- 3.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.2 The Development Plan for Cheltenham Borough currently comprises the Cheltenham Borough Council, Gloucester City Council and Tewkesbury Borough Council Joint Core Strategy (2017) and the Cheltenham Plan (2020).
- 3.3 Other material considerations include the emerging Joint Core Strategy Review, the NPPF (2019), the PPG (on going updates) and the 2015 Self-Build and Custom Housebuilding Act (as amended).

### **The Development Plan**

#### **Cheltenham Borough, Gloucester City and Tewkesbury Borough Joint Core Strategy (2017) – CD-D3**

- 3.4 The Joint Core Strategy (JCS) was adopted in December 2017 and provides the strategic part of the Development Plan for the JCS authorities, namely Cheltenham Borough, Gloucester City and Tewkesbury Borough. It covers the period between 2011 and 2031.
- 3.5 At paragraph 1.5 it details that that locally specific planning policies will be set out in the Gloucester Plan, the Cheltenham Plan and the Tewkesbury Borough Plan and advises that these will include local allocations of land for development and local policies to guide decisions on planning applications.
- 3.6 Strategic Objective 8: Delivering a Wide Choice of Quality Homes, at page 18 seeks to delivery good quality housing to meet the needs of the current and future population, including delivering housing of the right size, type and tenure.
- 3.7 The reasoned justification to Policy SD11: Housing Mix and Standards, at paragraph 4.12.1 makes clear that the Plan considers it important that new housing development addresses local needs and contributes to the creation of mixed and balanced

communities and that *“this means providing sufficient good-quality housing of the right sizes, types and mix, in the right places, which will be attractive to and meet the identified needs of different groups in society, including...people wishing to build their own homes”*.

- 3.8 At Policy SD11(a)(i) the Plan explains that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. It expects that development should address the needs of the local area, as set out in the local housing evidence base including the most up to date Strategic Housing Market Assessment (SHMA).
- 3.9 It goes on at SD11(a)(ii) to state that *“self-build housing and other innovative housing delivery models will be encouraged as part of an appropriate mix”*.
- 3.10 The reasoned justification at paragraph 4.12.3 acknowledges that it is important that housing provision is responsive to local market changes and the needs of the local area, providing accommodation for people with different needs and at different stages of their life.
- 3.11 It goes on to explain that local authorities are required by the NPPF to plan for a mix of housing and to identify the size, type, tenure and range of housing that is required. The Plan considers that this information is contained in the local housing evidence based, which include the JCS Assessment of Housing Requirements, the Gloucestershire SHMA 2014 and 2015 JCS Update and other data held by local authorities and their partners. It recommends that developers refer to this evidence base to ensure that their proposal will contribute to mixed and balanced communities and a balancing housing market across the county of Gloucestershire.
- 3.12 Under the heading of ‘delivery’ paragraph 4.12.10 of the reasoned justification to the Policy explains that *“where necessary, more detailed and locally-specific policies will be provided in district plans to support the implementation of specific elements of this policy, such as...self-build housing”*.
- 3.13 At paragraph 4.12.11 the reasoned justification sets out that the updated 2015 SHMA provides an indication of the number and proportion of housing of different sizes and tenures that are likely to be required in the county over the Plan period.
- 3.14 Part 6 of the Plan deals with strategic allocations with a series of policies within this chapter allocating sites as follows:



- Policy SA1: Strategic Allocations Policy;
- Policy A1: Innsworth & Twigworth – 2,295 dwellings and 9 ha employment;
- Policy A2: South Churchdown – 1,100 dwellings and 17 ha employment;
- Policy A3: North Brockdown – 1,500 dwellings, 3 hectares employment;
- Policy A4: North West Cheltenham – 4,285 dwellings, 23 hectares employment;
- Policy A5: Ashchurch – 14 hectares employment;
- Policy A6: Winneycroft – 620 homes; and
- Policy A7: West Cheltenham – 1,100 dwellings, 45 hectares employment.

3.15 There is no express policy requirement in any of the strategic allocation policies for the provision of self and custom housebuilding plots.

#### **The Cheltenham Plan (2020) – CD-D4**

3.16 The Cheltenham Plan was adopted in July 2020 and covers the period to 2031. Under vision theme A the objectives include to *“ensure provision of sufficient housing land and other opportunities for residential development to meet the needs of the current and future population of the Borough”*.

3.17 Chapter 11 addresses residential development with the reasoned justification stating that allocations H1 and H2 will ensure not only that identified needs are met over the plan period but also that there is a steady choice of land for housing during that time to deliver a wide choice of high-quality homes.

3.18 Policy H1: Land Allocated for Housing Development, outlines nine allocated sites each of which has its own specific Policy designation as follows:

- Policy HD1: Christ College Site B – approximately 70 dwellings;
- Policy HD2: Former Monkscroft Primary School – Approximately 60 dwellings;
- Policy HD3: Bouncers Lane – Approximately 20 dwellings;
- Policy HD4: Land off Oakhurst Rise – A minimum of 25 dwellings;
- Policy HD5: Land at Stone Crescent – Approximately 20 dwellings;
- Policy HD6: Brockhampton Lane – Approximately 20 dwellings;
- Policy HD7: Priors Farm Fields – Approximately 50-90 dwellings;



- Policy HD8: Old Gloucester Road – Approximately 175 dwellings; and
  - Policy HD9: North Place and Portland Street – Approximately 143 dwellings;
- 3.19 Policy H2: Land Allocated for Mixed-Use Development, outlines four allocated sites each of which also has its own specific Policy designation as follows:
- Policy MD1: Lansdown Industrial Estate – Employment led which may include an element of residential development;
  - Policy MD2: Land at Coronation Square – Proposals that demonstrate an accordance with the ongoing Cheltenham West Regeneration project;
  - Policy MD3: Royal Well and Municipal Offices – Mixed use scheme made up of uses appropriate to the town centre; and
  - Policy MD4: Leckhampton – Approximately 350 dwellings
- 3.20 There is no express policy requirement in any of the Cheltenham Plan allocation policies for the provision of self and custom housebuilding plots.
- 3.21 Chapter 12 considers housing mix and standards. It bears no mention of Self-Build and Custom Housebuilding.

### **Other Material Considerations**

#### **Emerging Cheltenham Borough, Gloucester City and Tewkesbury Borough Joint Core Strategy Review – CD-J12**

- 3.22 The JCS authorities published an 'Issues and Options' consultation between 12 November 2018 and 11 January 2019. It considered an extension to the Plan period to 2036 at paragraph 3.2 to ensure strategic policies look ahead at least 15 years.
- 3.23 Section nine considered housing type and tenure and at paragraph 9.1 acknowledged that it is important that the JCS Review seeks to identify and deliver for the needs of all communities through different housing types and tenures.
- 3.24 It went on at paragraph 9.2 to acknowledge that the NPPF states at paragraph 61 that *“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”* and that *“these groups include but are not limited to...people wishing to commission or build their own homes.”*
- 3.25 Paragraph 9.3 stated that the new Local Housing Needs Assessment (LHNA) which replaces the existing SHMA *“will take into account the latest national guidance*

*providing a robust evidence base around specific housing needs to produce appropriate policies to inform the JCS Review”.*

### **The Self-Build and Custom Housebuilding Act 2015 (as amended) – CD-J9 and CD-J22**

- 3.26 Under the provisions of the Self-Build and Custom Housebuilding Act 2015, as amended by the Housing and Planning Act 2016, and accompanying secondary legislation, all ‘relevant authorities’ in England (including local planning authorities) have a legal duty to keep a register of individuals and associations of individuals (i.e. groups) who are seeking to acquire serviced plots of land in the authority’s area and to have regard to that register when carrying out their planning, housing, land disposal and regeneration functions.
- 3.27 Unless exempt (which Cheltenham Borough Council is not), they also have a legal duty to grant sufficient ‘development permissions’ to meet the demand for Self-Build and Custom Housebuilding in their area. The duty to keep a register was commenced on 1 April 2016 and the duty to grant sufficient ‘development permissions’ to meet the demand on the register was commenced on 31 October 2016.
- 3.28 At part 2A(5) of the Act it is clear that ‘development permissions’ means planning permission or permission in principle (within the meaning of the 1990 Act).

### **National Planning Policy Framework (2019) – CD-D1**

- 3.29 Paragraph 59 of the NPPF is clear that in order to support the Governments objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed.
- 3.30 Paragraph 60 says that in determining the minimum number of homes needed, strategic policies should be informed by a local housing need assessment. It goes on at Paragraph 61 to say that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in policy, including “*people wishing to commission or build their own homes*” with footnote 26 of the NPPF 2019 detailing that:

*“Under Section 1 of the Self-Build and Custom Housebuilding Act 2015, local authorities are required to keep a Register of those seeking to acquire serviced plots in the area for their own Self-Build and Custom Housebuilding. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough*

*suitable development permissions to meet the identified demand. Self and Custom Build properties could provide market or affordable housing”.*

- 3.31 Annex 2 of the NPPF 2019 defines Self-Build and Custom Housebuilding as:

*“Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-Build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.”*

- 3.32 The NPPF 2019 also makes clear at paragraph 68 that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.

- 3.33 At paragraph 122 of the NPPF it states that *“planning policies and decisions should support development that makes efficient use of land, taking into account...the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it”.*

### **Planning Practice Guidance**

- 3.34 The Self-Build and Custom Housebuilding Section of the PPG (**Appendix AM2**) was first published on 1 April 2016 and last updated on 8 February 2021.

- 3.35 The PPG clarifies<sup>10</sup> that under the Self-build and Custom Housebuilding Act 2015 (as amended) local authorities must grant suitable development permissions for enough suitable serviced plots of land to meet the demand for Self-Build and Custom Housebuilding in their area.

- 3.36 The PPG sets out<sup>11</sup> under the heading of ‘what is self-build and custom housebuilding’ that:

*“Self-build and custom housebuilding covers a wide spectrum, from projects where individuals are involved in building or managing the construction of their home from beginning to end, to projects where individuals commission their home, making key design and layout decisions, but the home is built ready for occupation (‘turnkey’).*

*The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding...*

<sup>10</sup> Paragraph 023 Reference ID: 57-023-201760728

<sup>11</sup> Paragraph 016 Reference ID 57-016-20210208

...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.

Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing” (emphasis added).

3.37 Paragraph 016a<sup>12</sup> was introduced on 8 February 2021 and in setting out what the benefits of self-build and custom housebuilding are states that:

*“Self-build or custom build helps to diversify the housing market and increase consumer choice. Self-build and custom housebuilders choose the design and layout of their home, and can be innovative in both its design and construction”*

3.38 Paragraph 038<sup>13</sup> provides guidance on what constitutes a suitable development permission in respect of meeting the Statutory Duty under the heading of ‘how can authorities record suitable permissions’. This states that:

*“The legislation does not specify how suitable permissions must be recorded. However, the following are examples of methods a relevant authority may wish to consider to determine if an application, permission or development is for self-build or custom housebuilding:*

- *Whether developers have identified that self-build or custom build plots will be included as part of their development and it is clear that the initial owner of the homes will have primary input into its final design and layout;*
- *Whether a planning application references self-build or custom build and it is clear that the initial owner of the homes will have primary input into its final design and layout; and*
- *Whether a Community Infrastructure Levy or Section 106 exemption has been granted for a particular development.*

*A relevant authority must be satisfied that development permissions being counted meet the legislative requirements”.*

<sup>12</sup> Paragraph 016a Reference ID: 57-106a-20210208

<sup>13</sup> Paragraph: 038 Reference ID: 57-038-20210508

3.39 The revised PPG provides guidance<sup>14</sup> states that:

*“Assessment of local housing need as a whole should be conducted using the standard method in national planning guidance. Within this context, the size, type and tenure of housing needed for different groups*

*local planning authorities should use the demand data from their registers in their area, supported as necessary by additional data from secondary sources (as outlined in the housing and economic development needs guidance), when preparing their Strategic Housing Market Assessment to understand and consider future need for this type of housing in their area.”*

3.40 Furthermore, it details that<sup>15</sup> *“authorities are encouraged to publish, in their Authority Monitoring Report and the self and custom build section of their website, headline data on the demand for Self-Build and Custom Housebuilding revealed by their register and other sources. This can support development opportunities for Self-Build and Custom Housebuilding by increasing awareness among landowners, builders and developers of the level and nature of demand for Self-Build and Custom Housebuilding in the local area”* (emphasis added).

3.41 Paragraph 011<sup>16</sup> details that *“local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources (as outlined in the housing and economic development needs guidance) to understand and consider future need for this type of housing in their area.”*

3.42 It goes on to explain that *“secondary data sources can include data from building plot search websites, enquiries for building plots recorded by local estate agents and surveys of local residents. Demand assessment tools can also be utilised”*.

3.43 The PPG sets out<sup>17</sup> that *“section 2(1) of the Self-Build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register”* and that *“the registers that relate to the area of a local planning authority – and the duty to have regard to them – needs to be taken into account in preparing planning policies, and are also likely to be a material consideration in decisions involving proposals for self and custom housebuilding”*.

3.44 The first Base Period begins on the day on which the Register is established and ends on 30 October 2016 with subsequent Base Periods running from 31 October one year

<sup>14</sup> Paragraph 011 Reference ID 57-011-20210208

<sup>15</sup> Paragraph 012 Reference ID 57-012-20210508

<sup>16</sup> Paragraph 011 Reference ID: 57-011-20210208

<sup>17</sup> Paragraph 014 Reference ID: 57-014-20210508

to 30 October the next year. At the end of each Base Period, relevant authorities have three years in which to permission an equivalent number of plots of land, which are suitable for Self-Build and Custom Housebuilding, as there are entries for that Base Period.

- 3.45 The PPG advises that local planning authorities should plan for the housing needs of older people and it acknowledges that custom and self-build housing can make provision for older persons housing<sup>18</sup>.

### **Conclusions on the Development Plan and Related Policies**

- 3.46 JCS Policy SD11(a)(ii) encourages, but does not require, self-build housing and other innovative delivery models as part of the housing mix. The JCS expects locally specific planning policies to be contained within the Cheltenham Plan to guide decisions on planning applications.
- 3.47 There is no policy relating to the provision or delivery of Self-Build and Custom Housebuilding contained within the Cheltenham Plan.
- 3.48 The emerging JCS Review is at a very early stage and appears to have been considerably delayed. Whilst the issues and options consultation document recognises the need to plan for those wishing to commission or build their own home, it gives no indication of what the likely future policy approach may be to this.
- 3.49 At a national level there is a clear desire by central Government to significantly boost the supply of Self-Build and Custom Housebuilding through both the NPPF (2019) and the PPG, as well as through Manifesto and Spending Review commitments.

---

<sup>18</sup> Paragraph 011 Reference ID: 63-011-20190626

# Self-Build and Custom Housebuilding Demand and Delivery in Cheltenham Borough

---

## Section 4

### **Housing Market Assessments**

- 4.1 The most recent assessments of housing needs within Cheltenham Borough are the Local Authorities of Gloucestershire Strategic Housing Market Assessment Update (2014), the Cheltenham, Gloucester and Tewkesbury Councils Strategic Housing Market Assessment Update Note (2015) and the Gloucestershire Local Housing Needs assessment (2020).

#### **Local Authorities of Gloucestershire Strategic Housing Market Assessment Update (2014) – CD-J38**

- 4.2 The March 2014 SHMA pre-dates the 2015 Self-Build and Custom Housebuilding Act (as amended) and the Self-Build and Custom Housebuilding section of the PPG. It provided no consideration of the self-build or custom housebuilding needs of the housing market area.

#### **Cheltenham, Gloucester and Tewkesbury Councils Strategic Housing Market Assessment Update Note (2015) – CD-J39**

- 4.3 The September 2015 update note contained a single reference to Self-Build and Custom Housebuilding where at paragraph 4.49 it stated that *“the NPPF specifically refers to people wishing to build their own homes within the examples cited in paragraph 159. The Councils have collated this information outside this report”*.

#### **Gloucestershire Local Housing Needs Assessment (2020) – CD-J40**

- 4.4 The September 2020 LHNA covers Self-Build and Custom Housebuilding at section nine under the heading of ‘people wishing to commission or build their own homes’.
- 4.5 It recognises at paragraph 9.40 that the NPPF at paragraph 61 identifies that local authorities should plan for people wishing to build their own homes. It then goes on to cite the following extract from the PPG:

*“How can Self-Build and Custom Housebuilding needs be assessed?”*



*Most local planning authorities (including all district councils and National Park Authorities) are now required to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in their area in order to build their own home. The Self-build and Custom Housebuilding (Register) Regulations 2016 set out these requirements. For further details, see guidance on Self-Build and Custom Housebuilding registers. To obtain a robust assessment of demand for this type of housing in their area, local planning authorities should assess and review the data held on registers. This assessment can be supplemented with the use of existing secondary data sources such as building plot search websites, 'Need-a-Plot' information available from the Self Build Portal and enquiries for building plots from local estate agents.*

*Planning Practice Guidance, ID: 67-003-20190722.” (emphasis added)*

- 4.6 At paragraph 9.41 it explains that over half the population (53%) say that they would consider building their own home, but the LHNA considers that this is likely to conflate aspiration with effective market demand. It notes that whilst self-build only represents around 10% of completions in the UK, in France rates were around 40% and 70-80% elsewhere in Europe.
- 4.7 The LHNA goes on to acknowledge at paragraph 9.42 that the attractiveness of self-build is primarily reduced costs and that the 2011 Housing Strategy for England aimed to double the size of the market and create up to 100,000 additional homes over the decade.
- 4.8 Recognition of the Self-Build and Custom Housebuilding legislation is set out at paragraph 9.43 where it states that “*the Self-Build and Custom Housebuilding Act 2015 places a duty on local planning authorities to:*
  - *Keep a register (and publicise this) of eligible prospective ‘custom’ and self-build individuals, community groups and developers;*
  - *Plan to bring forward sufficient serviced plots of land, probably with some form of planning permission, to meet the need on the register and offer these plots to those on the register; and*
  - *Allow developers working with a housing association to include self-build and custom-build as contributing to their affordable housing contribution.”*



- 4.9 It explains at paragraph 9.44 that the 2015 Act was amended by the Housing and Planning Act 2016 which placed the following duty on local authorities for self and custom build:

*“An authority to which this section applies must give suitable development permission in respect of enough serviced plots of land to meet the demand for Self-Build and Custom Housebuilding in the authority’s area arising in each base period (section 2(1)(2)).*

- 4.10 The LHNA discusses the number of registrations in each of the Gloucestershire authorities and notes that these vary considerably which it considers may be partly due to the approach adopted by each in respect of charging for entry onto the Register. It notes that of the five authorities, only Cheltenham and Tewkesbury did not charge for entry onto the Register.
- 4.11 Paragraph 9.47 notes that the number of applicants had fallen in three authority areas following the introduction of entry charges. In respect of Cheltenham, it identified a total of 54 registrants between 2016 and 2019 with the caveat that only 19 had (at the time of publication) replied to the most recent contact confirming they wished to remain on the Register.
- 4.12 The section concludes at paragraph 9.48 by stating that *“there remains a small number of registrations for self-build”* and that *“individuals and small groups developing their own homes continue to play a small part in the overall level of development”*.
- 4.13 The LHNA provides no analysis of, and nor does it seek to quantify, the likely future need for Self-Build and Custom Housebuilding across the HMA or within Cheltenham Borough.

#### **Demand for Self-Build and Custom Housebuilding in Cheltenham Borough**

- 4.14 Despite citing the paragraph in the PPG that explains how a robust assessment of demand should be undertaken, the LHNA manifestly fails to follow this approach and does not undertake a robust assessment of demand. In doing so it fails to provide an assessment of the size, type or tenure of housing needed for those wishing to commission or build their own homes in line with paragraph 61 of the NPPF, and nor does it provide any guidance to the authorities on how this should be reflected in policy.
- 4.15 The Self-Build and Custom Housebuilding Act 2015 requires local authorities to keep a Register of households who wish to Self-Build or Custom Build in their administrative

area. From 31 October 2016 amendments to the Act<sup>19</sup> placed further duties on local authorities requiring them to grant sufficient development permissions for serviced plots of land to meet the demand arising from their Self-Build Register.

- 4.16 At 27 January 2021 there were a total of 73 registrants on the Council's Self-Build Register. From the data provided by the Council (**Appendix AM1**). This comprised of 63 individuals and one association of 10 individuals.
- 4.17 Although the Council's Self-Build Register is an important tool to help gauge local demand and inform how many permissioned serviced plots need to be made available on a rolling basis each year by the Council, it cannot predict longer term demand for plots.
- 4.18 In my opinion current practice has shown that local Self-Build Registers only provide a short-term supply-led picture because they rely upon people knowing about the Self-Build Register and then Registering their interest. I consider that the numbers on the Self-Build Register can therefore be a significant under-representation of latent demand.
- 4.19 The PPG<sup>20</sup> states that local planning authorities should use the demand data from the Self-Build Register, supported by additional data from secondary sources to understand and consider future need for this type of housing in their administrative area. In doing so it directs users to the 'Housing and Economic Development Needs Assessment' section of the PPG which then redirects the user to the 'Housing Needs of Different Groups' section of the PPG.
- 4.20 Under the heading of 'How can Self-Build and Custom Housebuilding needs be assessed', the 'Housing Needs of Different Groups' section of the PPG is clear<sup>21</sup> that:  
  
*"To obtain a robust assessment of demand for this type of housing in their area, local planning authorities should assess and review the data held on registers. This assessment can be supplemented with the use of existing secondary data sources such as building plot search websites, 'Need-a-Plot' information available from the Self Build Portal and enquiries for building plots from local estate agents".*
- 4.21 The Council are fully aware of this as it is cited in full together with paragraph references within their own evidence base in the form of the LHNA. This is important in the context of JCS Policy SD11(a)(i) and SD11(a)(ii) which expects development to

---

<sup>19</sup> Through the Housing and Planning Act (2016)

<sup>20</sup> Self-Build and Custom Housebuilding section, Paragraph 011 Reference ID 57-011-20160401

<sup>21</sup> Housing Needs of Different Groups section, Paragraph 003 Reference ID 67-003-20190722

address the needs of the local areas as set out in the local housing evidence base including the most up to date SHMA with self-build housing encouraged as part of the mix. The Council has failed to undertake a robust assessment of demand in the authority area and in doing so failed to quantify likely future need for this tenure of housing.

- 4.22 The industry leading building plot search website is Plot-Search<sup>22</sup>, operated by Buildstore. Information received from Buildstore (**Appendix AM3**) shows that<sup>23</sup> within the Cheltenham Borough Council administrative area there are 228 registrants on their Custom Build Register who are wishing to create their own customisable home within the Borough and 584 Plot-Search subscribers, who are seeking to purchase a serviced plot in the Borough to build or commission their own home.
- 4.23 Whilst I acknowledge that there is likely to be some people who are registered on more than one of the available plot search facilities and some of whom may also be on the Council's own Self-Build Register, the figures on the Buildstore Plot-Search platform illustrate that there is a substantial level of demand within the Borough.
- 4.24 In addition to which, other data sources indicate that the actual demand for Self-Build and Custom Housebuilding development plots is higher than indicated by the Council's Self-Build Register including Ipsos Mori statistics and ONS population estimates.
- 4.25 The Ipsos Mori statistics commissioned by NaCSBA have consistently shown<sup>24</sup> that 1 in 50 of the adult population want to purchase a Self-Build or Custom Build home.
- 4.26 When taking into account Cheltenham Boroughs adult population<sup>25</sup> (96,965<sup>26</sup> based on ONS data) it is estimated that as many as 1,939 people may be interested in building their own home across Cheltenham Borough in the foreseeable future.
- 4.27 True demand for Self-Build and Custom Housebuilding across Cheltenham Borough can therefore be expected to be substantially higher than the numbers on the Council's own Self-Build Register suggests.
- 4.28 It is relevant to note that a national survey in 2016<sup>27</sup> revealed that 8 out of 10 people are unaware that Councils keep a Register of people interested in buying a development plot in the local area for a Self-Build and Custom Housebuilding project.

<sup>22</sup> <https://www.Buildstore.co.uk/findingland/>

<sup>23</sup> At 12 January 2021

<sup>24</sup> 2013, 2014, 2015 and 2016 surveys of 2,000 people aged 15+ with survey data weighted to the known population profile.

<sup>25</sup> Those aged 16 and over

<sup>26</sup> Based on ONS population estimates by local authority based by single year of age [extracted from NOMIS 14 January 2021]

<sup>27</sup> Ipsos Mori polls commissioned by NaCSBA between 2014 to 2016.

- 4.29 In light of which, I consider that latent demand is actually substantially higher than currently recorded on the Council's own Self-Build Register.
- 4.30 In the recent appeal decision<sup>28</sup> relating to Land at Pear Tree Lane, Euxton, Chorley (11 August 2020) the Inspector acknowledged at paragraph 59 that the self-build register "*may underestimate demand for self-build, because awareness of the Right to Build Registers in England is low*".
- 4.31 At paragraph 60, in addressing the PPG recommendation for registers to be supplemented with secondary data sources to obtain a robust assessment of demand he found that whilst these may reflect a level of aspiration "*they provide evidence of a greater level of demand for self-build than the Council's register shows*".
- 4.32 The Inspector went on to find at paragraph 102 of their report that "*the provision of 18 of the units<sup>29</sup> as self-build or custom house building plots should also attract significant weight in favour of the proposal, given the level of demand for self-build as a sector of housing need*".

#### **Past Delivery of Self-Build and Custom Housebuilding in Cheltenham Borough**

- 4.33 The Self-Build and Custom Housebuilding Act (as amended) and the PPG require the Council to grant sufficient suitable development permissions for plots to meet the demand for Self-Build and Custom Housebuilding in their administrative area, noting that the level of demand is established by reference to the number of entries added to an authority's Self-Build Register during a Base Period.
- 4.34 Local Authorities were required to hold a Self-Build Register from 1 April 2016. The first Base Period begins on the day on which the Self-Build Register is established and ends on 30 October, with subsequent Base Periods running from 31 October one year to 30 October the next year. At the end of each Base Period, relevant authorities have three years in which to permission an equivalent number of plots of land, which are suitable for Self-Build and Custom Housebuilding and meet the definitions set out in the Act, as there are entries for that Base Period.
- 4.35 In Cheltenham Borough the Self-Build Register was first established on 3 September 2015 with the first Base Period therefore ending on 30 October 2016. The FOI data received on 27 January 2021 indicates that there are currently five individuals and no associations of individuals on the Council's Self-Build Register for Base Period 1. It also revealed however that the Council removed an unspecified number of entries from

<sup>28</sup> APP/D2320/W/20/3247136

<sup>29</sup> Which equated to 10% of overall units on the appeal site.

the Self-Build Register in April 2019 on the basis that they considered this was necessary under the General Data Protection Regulations (GDPR).

- 4.36 Further FOI data received on 3 February 2021 revealed that there was a total of 19 individuals that joined the Register within Base Period 1, prior to the Councils retrospective removal of 14 entries.
- 4.37 The second Base Period began on 31 October 2016 and ran until 30 October 2017. The FOI data of 27 January 2021 indicated that there are currently two individuals and no associations of individuals on the Council's Self-Build Register for Base Period 2.
- 4.38 Further FOI data received on 3 February 2021 revealed that there was a total of six individuals that joined the Register within Base Period 2, prior to the Councils retrospective removal of four entries.
- 4.39 The third Base Period began on 31 October 2017 and ran until 30 October 2018. The FOI data of 27 January 2021 indicated that there are currently 15 individuals and no associations of individuals on the Council's Self-Build Register for Base Period 3.
- 4.40 Further FOI data received on 3 February 2021 revealed that there was a total of 19 individuals that joined the Register within Base Period 3, prior to the Councils retrospective removal of a further four entries.
- 4.41 The fourth Base Period began on 31 October 2018 and ran until 30 October 2019. The FOI data of 27 January 2021 indicates that there are currently 17 individuals and no associations of individuals on the Council's Self-Build Register for Base Period 4. This appears to be the last Base Period impacted by the Council's removal of Register entries in April 2019 as the FOI response of 3 February 2021 confirms that no entries were retrospectively removed.
- 4.42 The fifth Base Period began on 31 October 2019 and ran until 30 October 2020. The FOI data indicates that there are currently 21 individuals and one association of 10 individuals on the Council's Self-Build Register for Base Period 5.
- 4.43 The sixth Base Period runs from 31 October 2020 to 30 October 2021 and as of 29 January 2021 there were a total of three individuals and no associations of individuals on the Self-Build Register.
- 4.44 Figure 4.1 sets out the relevant Base Periods and the long stop dates by which sufficient development permissions for suitable serviced plots to meet this demand must have been met by the Council based upon the retrospectively reduced numbers on the Self-Build Register.

Figure 4.1: Cheltenham Borough Self-Build Register Base Periods 1 to 6 Post-Retrospective Register Review

Base Period	Start and Finish Dates	No. of Individuals on the Register	No. of Associations of Individuals on the Register	Date by which permissions must be granted
1	3 September 2015 to 30 October 2016	5	0	30 October 2019
2	31 October 2016 to 30 October 2017	2	0	30 October 2020
3	31 October 2017 to 30 October 2018	15	0	30 October 2021
4	31 October 2018 to 30 October 2019	17	0	30 October 2022
5	31 October 2019 to 30 October 2020	21	1 (comprising 10 individuals)	30 October 2023
6	31 October 2020 to 30 October 2021	3 (as of 29 January 2021)	0	30 October 2024
<b>TOTAL</b>		<b>63</b>	1 (comprising 10 individuals)	

Source: FOI Response (29 January 2021)

- 4.45 The Councils approach to retrospectively remove entries from the Self-Build Register under the guise of ensuring GDPR compliance must be considered against the legislative framework set out in the 2015 Self-Build and Custom Housebuilding Act as amended by the 2016 Housing and Planning Act. Of particular importance is Section 2A(2) and 2A(6)(a).
- 4.46 At Section 2A(2) the amendments to the Act state that “*an authority to which this section applies must give suitable development permissions in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority’s area arising in each base period*” (emphasis added).
- 4.47 It goes on at Section 2A(6)(a) to states that “*the demand for self-build and custom housebuilding arising in an authority’s area in a base period is the demand as evidenced by the number of entries added during that period to the register*” (emphasis added).
- 4.48 Figure 4.2 illustrates the number of registrants that joined within Base Periods prior to the Councils retrospective removal of entries.

Figure 4.2: Cheltenham Borough Self-Build Register Base Periods 1 to 6 Pre-Retrospective Register Review

Base Period	Start and Finish Dates	No. of Individuals on the Register	No. of Associations of Individuals on the Register	Date by which permissions must be granted
1	3 September 2015 to 30 October 2016	19	0	30 October 2019
2	31 October 2016 to 30 October 2017	6	0	30 October 2020
3	31 October 2017 to 30 October 2018	19	0	30 October 2021
4	31 October 2018 to 30 October 2019	17	0	30 October 2022
5	31 October 2019 to 30 October 2020	21	1 (comprising 10 individuals)	30 October 2023
6	31 October 2020 to 30 October 2021	3 (as of 29 January 2021)	0	30 October 2024
<b>TOTAL</b>		<b>85</b>	1 (comprising 10 individuals)	

Source: FOI Response (3 February 2021)

- 4.49 The primary legislation is clear that the Statutory Duty applies to the need arising within a Base Period and relates to the number of entries that were added during that Base Period.
- 4.50 This is of particular relevance when, cumulatively across the first three Base Periods for which demand must have been met by 30 October 2021, the Council's retrospective review reduced Register numbers by 50%. Worst affected was Base Period 1 which saw 14 entries removed, a 74% reduction.
- 4.51 The FOI response details that the Council considers that they have granted consent for two sites for Self-Build and Custom Housebuilding providing 10 plots as set out at figure 4.3.



Figure 4.3: Suitable Development Consents

Application No.	Address	No. of Plots	Date of Permission	Base Period Permission Counts Towards
18/02581/FUL	Cromwell Court, Greenway Lane	8	22 March 2019	BP1
19/01362/OUT	Fiddlers Green Lodge, Pheasant Lane	2	9 August 2019	BP1
<b>Total</b>		<b>10</b>		

Source: FOI Response (29 January 2021)

- 4.52 In respect of the two consents to which the Council refers, the decision notice for both consents includes a condition requiring the developments to be constructed as self-build/custom-build dwellings as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and not to be developed otherwise without express planning permission.
- 4.53 When the primary legislative requirements with regard to the Statutory Duty are assessed against the suitable development consents for 10 plots, then it is clear that the Council has fallen short of meeting the Duty for Base Period 1 by 9 plots, equivalent to a 47% shortfall. For Base Period 2, the shortfall is 6 plots, equivalent to a 100% shortfall against identified demand evidenced by the number of entries added during that Base Period.
- 4.54 Further evidence of the Council's failure to address their Statutory Duty is illustrated in their 7 November 2019 response to the National Custom and Self-Build Association (NaCSBA) FOI request (**Appendix AM4**).
- 4.55 This FOI response post-dated the date of consent of the two permissions set out at figure 4.3 of my evidence and in response to Question 3 which asked *"30 October 2019 is the date by which you must have ensured that you must have ensured that you have permissioned sufficient development plots to match numbers on your self-build register for the first base period (1 April 2016 to 30 October 2016). Have you met your statutory obligations"* the Council's response to this question was "no".
- 4.56 The Council's position in respect of monitoring and data returns appears somewhat confused, but what is clear however is that Section 2A of the 2015 Self-Build and Custom Housebuilding Act (as amended) sets out that the Statutory Duty applies to demand arising within a Base Period and is evidenced by the number of entries added during that period, and not a retrospectively reviewed and reduced Register.

- 4.57 When measured against the Statutory Duty the register numbers (figure 4.3), for 19 plots to address demand arising from Base Period 1 and a further 6 plots arising from Base Period 2, the 10 plots permissioned at figure 4.3 result in a shortfall of 15 plots. This is before one begins to consider the need for a further 19 plots by 30 October 2021.

#### **Future Delivery of Self-Build and Custom Housebuilding in Cheltenham Borough**

- 4.58 Whilst JCS Policy SD11 encourages, rather than requires, self-build housing as part of the housing mix, the Cheltenham Plan has no policy specifically relating to the provision or delivery of Self-Build and Custom Housebuilding.
- 4.59 There is no express requirement within any of the JCS strategic allocation housing site policies for Self-Build and Custom Housebuilding to be provided and Policy SD11 merely encourages, rather than requires, such provision to be considered as part of the mix.
- 4.60 Furthermore, of the strategic allocations that have planning permission or are subject to live planning applications none have any self-build or custom housebuilding plots secured or currently proposed (see **Appendix AM5**).
- 4.61 In respect of the Cheltenham Plan allocations, there is no express requirement within any of the housing or mixed-use allocation policies for Self-Build and Custom Housebuilding to be provided and the same scenario also applies with regard to overarching JCS Policy SD11 in that it encourages rather than requires such provision.
- 4.62 Of the allocations in the Cheltenham Plan that have planning permission it is also the case that none of these make provision for Self-Build and Custom Housebuilding and of are subject to live planning application (or appeals) it is only this appeal scheme that makes any such provision for the delivery of Self-Build and Custom Housebuilding plots (see **Appendix AM5**).
- 4.63 Whilst the emerging JCS Review 'Issues and Options' consultation refers to the need to plan for those wishing to build or commission their own home, it is at a very early stage and appears to have been subject to considerable delay. It currently gives no indication of what the future policy position in relation to Self-Build and Custom Housebuilding may be and so for the foreseeable future Policy SD11 remains the mechanism for such provision.
- 4.64 Given that SD11 merely encourages, rather than requires, provision of services plots and based upon the fact that permission achieved on allocations to date have not

secured a single serviced plot for Self-Build and Custom Housebuilding plus the fact that the current live applications on allocations do not propose any provision either, there is considerable doubt surrounding the future delivery of serviced plots within the Borough to meet identified needs.

- 4.65 In addition to this, a search of the Council's planning application search function pages using the terms 'self-build; self-build; custom-build and custom build' revealed that<sup>30</sup> other than the two permissions that the Council refer to in their FOI response and the appeal proposals, there are no other extant permissions that make provision for Self-Build and Custom Housebuilding plots in the Borough.
- 4.66 Without the appeal proposals it is unclear how the Council intends to address the shortfall against the Statutory Duty for Base Period 2 or begin to address Base Period 3 demand for a further 15 plots by 30 October 2021.

### **Conclusions on Self-Build and Custom Housebuilding Demand in Cheltenham Borough**

- 4.67 Although the JCS contains a policy that refers to provision of Self-Build and Custom Housebuilding plots, Policy SD11 encourages, rather than requires, provision to be made. The allocated sites in the JCS and the Cheltenham Plan do not contain express requirements in the associated policies to make provision for serviced plots. In addition to which none of the permissions achieved to date on allocations contain any provision for serviced plots and nor do the live applications (or appeals) on allocations currently propose any such provision with the sole exception of this appeal scheme.
- 4.68 I consider that without sites such as the appeal site there is considerable doubt surrounding how the Council intends to address identified needs.
- 4.69 The 2014 SHMA that forms part of the evidence base to the JCS provided no assessment of likely needs for self and custom housebuilding and pre-dated the 2015 Act, whilst the 2015 SHMA update contains a single paragraph reference to the matter but no assessment of likely future needs.
- 4.70 The most recent assessment, the LHNA, includes a section on Self-Build and Custom Housebuilding and, despite citing the very paragraph from the PPG that recommends the approach to obtain a robust assessment of demand, fails to actually undertake a robust assessment of demand.

---

<sup>30</sup> At 29 January 2021

- 4.71 Secondary data sources indicate that demand is substantially higher than the number on the Council's self-build register.
- 4.72 The Council has retrospectively removed entries from its Self-Build Register contrary to Section 2A(2) and 2A(6)(a) of the 2015 Act (as amended) which details that the Statutory Duty applies to the need arising within a Base Period and relates to the number of entries that were added during that Base Period rather than to retrospective revisions made to that Base Period to reduce numbers.
- 4.73 Cumulatively across the first three Base Periods, for which demand must have been met by 30 October 2021, the Councils retrospective review reduced Register numbers by 50%. Worst affected was Base Period 1 which saw 14 entries removed, a 74% reduction.
- 4.74 When the primary legislative requirements with regard to the Statutory Duty are assessed against the suitable development consents for 10 plots, then it is clear that the Council has fallen short of meeting the Duty for Base Period 1 by 9 plots, equivalent to a 47% shortfall. For Base Period 2, the shortfall is 6 plots, equivalent to a 100% shortfall against identified demand evidenced by the number of entries added during that Base Period.
- 4.75 Further evidence that the Council failed to meet their Statutory Duty is illustrated by their 7 November 2019 FOI response to NaCSBA.
- 4.76 The Council now has until 30 October 2021 to address the shortfall from Base Period 1 (9 plots) and Base Period 2 (6 plots), together with demand for a further 19 plots arising from Base Period 3 or fail to meet its Statutory Duty under the primary legislation for the third consecutive year. Evidence indicates that with the exception of the two sites the Council references and the appeal proposals, there are no alternatives making provision to address the identified shortfall or meet Base Period 3 demand.
- 4.77 What is abundantly clear is that the Council need to take urgent action now to address identified needs. The fact that adopted local policy does not expressly require such provision does not negate the need to address identified demands and it is unclear how the Council intends to address identified needs without sites such as the appeal site.
- 4.78 Demand is far outstripping supply and in the absence of any clear strategy from the Council to remedy this then the provision of four serviced plots through the appeal

proposals are essential to help to address both the shortfall against Base Periods 1 and 2 and the Base Period 3 demand by 30 October 2021.

# Weight to be Attributed to the Provision of Self-Build and Custom Housebuilding

---

## Section 5

### Introduction

- 5.1 The Government attaches weight to achieving the objective of significantly boosting the supply of homes. The NPPF 2019 is clear at paragraph 59 that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward and that the needs of groups with specific housing requirements are addressed.
- 5.2 Paragraph 60 sets out that in order to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment. It goes on at paragraph 61 to detail that the type of housing needed for different groups in the community should be assessed and reflected in planning policy, including for people who wish to commission or build their own homes.
- 5.3 The most recent assessment of housing needs for Cheltenham Borough, the LHNA (2020), cites the section of the PPG which details how to undertake a robust assessment of Self-Build and Custom Housebuilding demand, yet despite this the LHNA then fails to actually undertake any robust assessment of demand.
- 5.4 Although JCS Policy SD11 encourages the provision of serviced plots as part of the housing mix, it does not require such provision and none of the policy allocations in the JCS or the Cheltenham Plan contain any express requirement for such provision either.
- 5.5 None of the JCS of Cheltenham Plan allocations with planning permission contain any provision for serviced plots for Self-Build and Custom Housebuilding, and nor is such provision currently proposed in any allocations with live planning applications (or appeals) with the sole exception of this appeal scheme.
- 5.6 In light of this, it is unclear how the Council intends to address any shortfall in delivery of serviced plots and address the level of demand identified in Cheltenham Borough.

- 5.7 The appellant recognises that there is a substantial level of unmet need for this tenure of housing that there appears to be no strategy to address this and recognises the importance placed upon provision of Self-Build and Custom Housebuilding plots by both the NPPF and the PPG.

**The Weight to be Afforded to the Proposed Self-Build and Custom Housebuilding Plots**

- 5.8 The importance of Self-Build and Custom Housebuilding as a material consideration has been reflected in a number of recent Secretary of State and appeal decisions. Of particular interest is the amount of weight which has been afforded to the provision of Self-Build and Custom Housebuilding plots relative to other material considerations.
- 5.9 Brief summaries are outlined below, and the full decisions are included as appendices to my evidence.

***Secretary of State Decision: Land off Driffield Road, Allaston Road and Court Road, Lydney, Forest of Dean (7 November 2017) – CD-J50***

- 5.10 The Secretary of State and Inspector set out at paragraph 6.65 of the Inspectors report that:

*“The underlying justification for the appeal proposal is that it would represent an entirely different proposition to that provided at land East of Lydney. Development would be in the hands of local builders rather than national or regional firms; Self-Build provision would be made”.*

- 5.11 The Inspector continued at paragraph 6.72 to detail that:

*“In terms of Self-Build, it may be true that funds through lending institutions might be more difficult and more expensive to acquire for a tailored as opposed to a conventional mortgage. However, as a factor of Self-Build, it has to be set against the savings which a Self-Builder would expect to achieve in overall construction costs. Self-Build represents a small component of overall housebuilding activity and whilst financial barriers exist it still remains within the capabilities of some who would prefer to pursue their own project. There is nothing to suggest, despite the absence of Government backed funding, that Self-Build on the appeal site would be unachievable”* (emphasis added).

- 5.12 At paragraph 169 of the Inspectors conclusions, in setting out the benefits of the proposals he stated that:



*“The proposals would not undermine the provisions of CS Policy CSP.12 and would add to the mix and choice of housing within the town, including the provision of a sizeable number of Self-Build plots in an area where there is a demand for such housing. This would be consistent with the Government’s efforts to stimulate this sector of the house building industry” (emphasis added).*

**Appeal Decision: Land east of Park Lane, Coalpit Heath, South Gloucestershire (6 September 2018) - CD-J41**

- 5.13 The Inspector found at paragraph 61 of his report that:

*“There are three different components of the housing that would be delivered: market housing, affordable housing (AH) and Custom-Build housing (CBH). They are all important and substantial weight should be attached to each component” (emphasis added).*

- 5.14 Furthermore, the Inspector was clear in his decision that:

*“The fact that the much needed AH and CBH are elements that are no more than required by policy is irrelevant – they would still comprise significant social benefits that merit substantial weight” (emphasis added).*

**Appeal Decision: The Meadows, Bromsberrow Heath, Ledbury, Forest of Dean (17 April 2019) – CD-J42**

- 5.15 At paragraph 27 of the Inspectors report, they set out that:

*“Another relevant factor is that the proposed homes would be custom or self-built, as secured by the submitted UU, approved by the Council. The Government is actively seeking to increase the supply of such housing as evidenced by recent legislation, paragraph 61 of the Framework and the Planning Practice Guidance. Together they require local planning authorities (LPAs) to establish a register of individuals and associations of individuals who wish to acquire serviced plots of land to bring forward Self-Build and Custom Housebuilding projects.”*

- 5.16 At paragraph 31 they noted that *“of the 42 plots which the Council says it has granted permission for, it is relevant that 41 of them appear to have been granted via the appeal process. Therefore, and given the lack of any clear policy within the development plan regarding such housing or evidence of local initiatives to promote it, I do not share the Council’s apparent confidence that the requirement would be met. In any case, what is clear and relevant is that up to 5 custom or self-build houses would contribute towards meeting the requirement for such housing in the area.”*

- 5.17 In drawing their conclusions, the Inspector detailed that the Framework is an important material consideration in all planning decisions and offers support “to meeting the housing needs of different groups, including people wishing to build their own homes. Those factors weigh in favour of the proposal.”

***Appeal Decision: Land off Hepworth Road, Woodville (25 June 2019) - CD-J43***

- 5.18 The Inspector set out at paragraph 22 of his report that “the Council confirms that as at April 2019, there are 54 individuals on the Council’s Self-Build and Custom Housebuilding Register and that as of April 2019, it has permitted 4 plots in the period since 31 October 2016. Since 31 October 2016 the Council has permitted an additional 133 single plot dwellings which have been distributed across the District. However, the Council has not provided any information to suggest that there are provisions in place to ensure that any of the 133 single dwelling permissions would be developed in a manner that accords with the legal definition of Self-Build and Custom Housebuilding in the Self-Build and Custom Housebuilding Act 2015 (as amended).”
- 5.19 In weighing matters in the planning balance, at paragraph 47 he concluded that “I attach substantial weight in terms of the economic benefits that would arise from the provision of 30 dwellings in Woodville. The new residents that would live in these homes are likely to use and support local services, local facilities, and local businesses. Therefore, the proposal is likely to make a positive contribution to the local economy. The development of each property should create opportunities for local builders, tradesmen, and builder’s merchants. This has the potential to create local employment and training opportunities” (emphasis added).
- 5.20 Furthermore, paragraph 48 found that:
- “In terms of the social benefits, the proposal would be able to meet most of the current demand for self and custom-build plots in the District. The appeal proposal does not represent unnecessary development because it would greatly assist NWLDC to meet its statutory obligations with respect to providing serviced plots for self-build and custom-build housing. This would ensure that the proposed development plays a major role in meeting an evidenced housing need in North West Leicestershire. Moreover, the mix of housing types that come forward on the site would respond to the needs of local residents in accordance with Policy H6 of the LP and paragraph 59 of the NPPF. The overall layout of the site has been designed to ensure that a high standard of amenity can be provided for existing and future residents in line with Policy D2 and paragraph 127f of the NPPF. This comprises a substantial social benefit” (emphasis added).

**Appeal Decision: Green End/Heath Road, Gamlingay, South Cambridgeshire District (23 September 2019) – CD-J44**

5.21 The Inspector held at paragraph 10 of his report that:

*“The appellant has put forward evidence relating to a shortfall in the delivery of Self-Build housing, which is uncontested by the LPA. This shortfall is significant. The Parish Council confirm there is demand within the village for this type of development. I therefore give significant weight to this factor” (emphasis added).*

5.22 At paragraph 13 the Inspector went on to note that:

*“The appellant has submitted a unilateral undertaking, which would limit the appeal development to Self-Build housing. On this basis and for the reasons outlined above, in this instance there are considerations that weigh heavily in favour of the development that would justify departing from the Development Plan” (emphasis added).*

**Secretary of State Decision: Land off Darnhall School Lane, Winsford, Cheshire (4 November 2019)**

5.23 Whilst I acknowledge that despite the Inspectors recommendation to approve the appeal, the Secretary of State dismissed it, it is of relevance to consider the weight attributed to self-build by both the Inspector and the Secretary of State.

5.24 At paragraph 412 of the Inspectors report, they stated that:

*“The self-build plots would help meet the governments objective expressed in the Housing White Paper and now included in the revised Framework, to support the growth of self and custom build homes. Whilst maintaining a register of those seeking to acquire serviced plots under Section 1 of the Self-Build and Custom Housebuilding Act 2015, to date there are no specific development permissions in CW&C to meet the identified demand. As identified through the Council’s self-build register that amounts to 309 households. In Xx the Council confirmed that it did not know how many self-build plots it had granted planning permissions for during the plan period. The extent to which the Council has supplemented this data with secondary information, as recommended by the Framework, was also not clear but despite Build Store’s database identifying 443 registrants within ten miles of the appeal site, the Council maintained that there is no demand at all in Winsford for such housing on a large scale.”*

5.25 He went on at paragraph 413 to explain that:

*“I do not share the Council’s pessimism about the need for self and custom build housing at Winsford. Its stance is largely based on conjecture rather than hard evidence and I also note that despite government advice, emerging Policy DM20 of the CW&CLP P2 sets no targets for self and custom-build housing nor allocates any specific sites. The twenty-six plots on adjacent Peacock Avenue, which were developed in such a way some years ago, suggests that such a development can be achieved at Winsford in the right circumstances.”*

5.26 At paragraph 414 the Inspector found that:

*“The self-build element would carry some social benefits in helping to respond to the needs of a particular group, identified by the SHMA and the Government, who wish to build their own homes...I consider that the self-build element of the scheme should attract substantial weight” (emphasis added).*

5.27 The Secretary of State agreed with the Inspector at paragraph 28 of their decision letter where they stated that:

*“The social benefits of the provision of the self-build element of the scheme should attract substantial weight” (emphasis added).*

***Appeal Decision: Land West of Parsonage Road, Takeley (31 January 2020) – CD-J46***

5.28 The Inspector found at paragraph 46 of her report that:

*“Identified demand for self-build plots has been demonstrated. The provision of 12 plots, being some 10% of the overall number, would help to meet that demand and the requirements of the Self-build Act and accord with paragraph 64 of the Framework. A mechanism to ensure that such development would meet the definition of self-build and custom-build housing is necessary, and the provisions do that” (emphasis added).*

5.29 In undertaking the planning balance, the Inspector explained at paragraph 55 that:

*“In light of the acute need for housing, including affordable housing demonstrated, and the unmet demand for self-build plots, these are benefits of the proposal, which together, weigh very heavily in its favour. This would be the case even if the appeal development did not come forward in the five-year period and taking into account the recent uplift in housing delivery” (emphasis added).*

**Appeal Decision: Land North of Nine Mile Ride, Finchampstead, Berkshire (9 April 2020) – CD-J47**

5.30 I acknowledge that the Inspector dismissed the appeal, however it is of relevance to consider the weight attributed to self-build by the Inspector.

5.31 At paragraph 117 the Inspector acknowledged that:

*“There is clearly a substantial demand for this type of development. The Council’s own Register shows that about 35% of those in Base Period 1 and 2 had a preference for a serviced plot in Finchampstead. The appeal proposal would help meet this demand through the 6 serviced plots that it proposes to include.”*

5.32 In undertaking the planning balance exercise and drawing together her conclusions, at paragraph 129 the Inspector found that:

*“The inclusion of 6 Self-Build and Custom-Build serviced plots would be a benefit that would clearly meet a local demand. In the circumstances I give substantial weight to these benefits”* (emphasis added).

**Appeal decision: Land at Pear Tree Lane, Euxton, Chorley (11 August 2020) – CD-J48**

5.33 At paragraph 58 The Inspector found that although neither the Core Strategy nor the Local Plan required provision of self-build or custom housebuilding plots, *“the housing needs of people wishing to build their own homes is one of the types of housing need which paragraph 61 of the Framework seeks to address”*.

5.34 Furthermore, at paragraph 60 he considered that:

*“The PPG advises that data on registers can be supplemented from secondary data sources to obtain a robust assessment of demand. The Buildstore Custom Build Register, the largest national database of demand for self and custom build properties, has 185 people registered as looking to build in Chorley, with 699 subscribers to its PlotSearch service. Data from a national survey conducted by Ipsos Mori for the National Custom and Self-Build Association, when applied to Chorley’s population, indicates that as many as 1,929 people may wish to purchase serviced plots in Chorley over the next 12 months”*.

5.35 Paragraph 60 concluded that *“they provide evidence of a greater level of demand for self-build than the Council’s register shows”* (emphasis added).

5.36 When the Inspector undertook the planning balance, he found at paragraph 102 that:

*“The provision of 18 of the units as self-build or custom house building plots should also attract significant weight in favour of the proposal, given the level of demand for self-build as a sector of housing need” (emphasis added).*

**Appeal Decision: Land at Church Lane, Whittington (20 November 2020) – CD-J49**

5.37 At paragraph four the Inspector found that for the second base period there was a significant undersupply and that *“consequently, and notwithstanding the existence of a five-year housing land supply more generally, the significant undersupply of self-build housing in the second Base Period carries substantial weight in favour of the proposal in helping to meet statutory requirements” (emphasis added).*

5.38 They also recognised at paragraph five that *“the self-build nature of the proposal has been appropriately secured by the executed Unilateral Undertaking submitted by the appellant”* which they considered met the three tests in the NPPF and Regulations 122(2) of the Community Infrastructure Levy Regulations 2010 (emphasis added).

5.39 In drawing together their conclusions at paragraph 10, the Inspector set out that although *“the proposal would not be in an appropriate location, conflicting with Policies SWDP1, SWDP2 and SWDP21 of the SWDP, as these policies seek to protect the countryside and significant gaps from urbanising development. However, I have identified an undersupply of self-build housing, and the policy objectives under paragraph 61 of the Framework, as a material consideration carrying substantial weight in favour of the proposal that outweighs the limited harm from conflict with the development plan in this particular case” (emphasis added).*

**Conclusions on the Weight to be Attributed to the Provision of Self-Build and Custom Housebuilding**

5.40 The Council’s most recent assessment of housing need, the LHNA (2020), cites the specific paragraph of the PPG that sets out how a robust assessment of demand should be undertaken, yet despite this the LHNA manifestly fails to actually undertake any such assessment of demand.

5.41 The evidence shows that there is a substantial demand for Self-Build and Custom Housebuilding plots within Cheltenham Borough. Secondary data sources indicate that the level of demand in the Borough far exceeds the numbers on the Council’s own Self-Build Register.



- 5.42 When the primary legislative requirements with regard to the Statutory Duty are assessed against the suitable development consents for 10 plots, then it is clear that the Council has fallen short of meeting the Duty for Base Period 1 by 9 plots, equivalent to a 47% shortfall. For Base Period 2, the shortfall is 6 plots, equivalent to a 100% shortfall against identified demand evidenced by the number of entries added during that Base Period. On top of which, the Council now has to permit a further 19 plots by 30 October 2021 or fail to meet the Statutory Duty under the primary legislation of the third consecutive year.
- 5.43 By the Council's own admission through FOI data (**Appendix AM4**) it failed to meet its Statutory Duty under the legislative requirements of the 2015 Self-Build and Custom Housebuilding Act (as amended) for Base Period 1.
- 5.44 In light of this, and the lack of any clear strategy from the Council for how to address unmet demand, I consider that nothing less than substantial weight should be afforded to the provision of four Self-Build and Custom Build homes in the determination of this appeal.



# Summary and Conclusions

---

## Section 6

- 6.1 Self-Build and Custom Housebuilding was first introduced into national policy through the now superseded NPPF 2012. In its current format, the NPPF 2019, makes clear at paragraph 59 that local authorities need to make sufficient provision of land with permission without delay to meet the needs of different groups.
- 6.2 It also requires at paragraph 60 that strategic policies should be informed by a local housing need assessment and (at paragraph 61) within this context the size, type and tenure of housing needed for different groups should be assessed and reflected in policy, including people wishing to commission or build their own homes.
- 6.3 Within Cheltenham, although JCS Policy SD11 encourages the provision of serviced plots as part of the housing mix, it does not require such provision to be made. In addition to which, none of the policy allocations in the JCS or the Cheltenham Plan contain any requirement for such provision either.
- 6.4 In addition to which, the emerging JCS Review is at an early stage of development and appears to have been subject to considerable delay. The JCS Review Issues and Options consultation provided no indication of the likely future policy direction in respect of Self-Build and Custom Housebuilding.
- 6.5 In light of which, it is unclear how the Council intends to address any shortfall in delivery of serviced plots and address the level of demand identified in Cheltenham Borough.
- 6.6 Central Government has been clear in their objective to boost significantly Self-Build and Custom Housebuilding delivery since at least 2011. Furthermore, the delivery of self-build and custom build homes are now a clear national policy objective in both the NPPF and the PPG.
- 6.7 The appellant recognises that there is a substantial level of unmet need for this tenure of housing within Cheltenham Borough and the importance placed upon its provision by both the NPPF and the PPG.
- 6.8 The Council's most recent assessment of housing needs for Cheltenham Borough is the LHNA (2020). Whilst it features a section on Self-Build and Custom Housebuilding which cites the relevant part of the PPG that sets out how to undertake a robust

assessment of demand, the LHNA then fails to actually undertake such an assessment. It provides no assessment of likely future demand for this tenure of housing.

- 6.9 Whilst the Self-Build Register is an important tool to help gauge local demand and inform how many permissioned serviced plots need to be made available on a rolling basis each year by the Council, it cannot predict longer term demand for plots.
- 6.10 Such registers only provide a short-term supply-led picture because they rely upon people knowing about the Self-Build Register and then registering their interest. They can therefore be a significant under-representation of latent demand. With this in mind it is important to note that research by NaCSBA<sup>31</sup> has shown that 8 out of 10 people are unaware that Councils keep a Register of people interested in buying a development plot in the local area for a Self-Build and Custom Housebuilding project.
- 6.11 The PPG advises that local planning authorities should use the demand data from the Self-Build Register, supported by additional data from secondary sources, including the SHMA, to understand and consider future need for this type of housing in their administrative area.
- 6.12 Secondary data sources that I have taken from the industry leading building plot search website Plot-Search<sup>32</sup> operated by Buildstore, show that within the Cheltenham Borough administrative area there are 228 registrants on their Custom Build Register who are wishing to create their own customisable homes and 584 Plot-Search subscribers, who are actively seeking to acquire a serviced plot to either build or commission their own home.
- 6.13 Other secondary data sources, including Ipsos Mori polls<sup>33</sup> and ONS data, indicate that the actual demand for Self-Build and Custom Housebuilding development plots in Cheltenham Borough is substantially higher than indicated by the Council's Register. Ipsos Mori statistics have consistently shown that 1 in 50 of the adult population want to purchase a Self-Build or Custom Build home. When considering Cheltenham Borough's adult population (about 96,965<sup>34</sup> based on ONS data), it is estimated that as many as 1,939 people may be interested in building their own home within Cheltenham Borough.

---

<sup>31</sup> Ipsos Mori polls commissioned by NaCSBA between 2014 to 2016

<sup>32</sup> <https://www.Buildstore.co.uk/findingland/>

<sup>33</sup> 2013, 2014, 2015 and 2016 surveys of 2,000 people aged 15+ with survey data weighted to the known population profile.

<sup>34</sup> Based on ONS population estimates by local authority based by single year of age [extracted from NOMIS 14 January 2021]

- 6.14 True demand for Self-Build and Custom Housebuilding across Cheltenham Borough can therefore be expected to be substantially higher than the numbers on the Council's own Self-Build Register suggests.
- 6.15 The Self-Build and Custom Housebuilding Act (as amended) together with the PPG require local authorities to give suitable development permissions to provide enough suitable serviced plots of land to meet the demand for Self-Build and Custom Housebuilding in their administrative area.
- 6.16 The Council has retrospectively removed entries from its Self-Build Register contrary to Section 2A(2) and 2A(6)(a) of the 2015 Act (as amended) which details that the Statutory Duty applies to the need arising within a Base Period and relates to the number of entries that were added during that Base Period rather than to retrospective revisions made to that Base Period to reduce numbers.
- 6.17 Cumulatively across the first three Base Periods, for which demand must have been met by 30 October 2021, the Councils retrospective review reduced Register numbers by 50%. Worst affected was Base Period 1 which saw 14 entries removed, a 74% reduction.
- 6.18 When the primary legislative requirements with regard to the Statutory Duty are assessed against the suitable development consents for 10 plots, then it is clear that the Council has fallen short of meeting the Duty for Base Period 1 by 9 plots, equivalent to a 47% shortfall. For Base Period 2, the shortfall is 6 plots, equivalent to a 100% shortfall against identified demand evidenced by the number of entries added during that Base Period.
- 6.19 Further evidence that the Council failed to meet their Statutory Duty is illustrated by their 7 November 2019 FOI response to NaCSBA.
- 6.20 The Council now has until 30 October 2021 to address the shortfall from Base Period 1 (9 plots) and Base Period 2 (6 plots), together with demand for a further 19 plots arising from Base Period 3 or fail to meet its Statutory Duty under the primary legislation for the third consecutive year. Evidence indicates that with the exception of the two sites the Council references and the appeal proposals, there are no alternatives making provision to address the identified shortfall or meet Base Period 3 demand.
- 6.21 It is also of relevance to note that there is no express requirement within any of the JCS strategic allocation housing site policies for Self-Build and Custom Housebuilding

to be provided and Policy SD11 merely encourages, rather than requires, such provision to be considered.

- 6.22 Furthermore, of the strategic allocations that have planning permission none make any provision for Self-Build and Custom Housebuilding and nor is there any such provision at present in those that are subject to live planning applications.
- 6.23 In respect of the Cheltenham Plan allocations, there is no express requirement within any of the housing or mixed-use allocation policies for Self-Build and Custom Housebuilding to be provided and the same scenario applies with regard to the overarching JCS Policy SD11 in that it encourages rather than requires such provision to be made on these sites.
- 6.24 Of the allocations in the Cheltenham Plan that have planning permission it is also the case that none of these make provision for Self-Build and Custom Housebuilding and of are subject to live planning application (or appeals) it is only this appeal scheme that makes any such provision for the delivery of Self-Build and Custom Housebuilding plots.
- 6.25 In addition to this, a search of the Council's planning application search function pages using the terms 'self-build; self-build; custom-build and custom build' revealed that<sup>35</sup> other than the two permissions that the Council refer to in their FOI response and the appeal proposals, there are no other extant permissions that make provision for Self-Build and Custom Housebuilding plots in the Borough.
- 6.26 The NPPF 2019 is transparently clear that the Government's objective is to significantly boost the supply of homes, and that in doing so the needs of groups with specific housing requirements, including those who wish to build or commission their own home, must be addressed.
- 6.27 Against the scale of demand and the lack of any clear and suitable strategy from the Council to address this demand, there is no doubt in my mind that the provision of four Self-Build and Custom Housebuilding serviced plots through the appeal proposals will make a substantial contribution towards helping to address this identified need. In light of which, in my opinion, the evidence indicates that nothing less than substantial weight should be afforded to the provision of four Self-Build and Custom Build homes in the determination of this appeal.

---

<sup>35</sup> At 29 January 2021

## Appendix AM1

---

Freedom of Information Correspondence  
(6, 7, 27 and 29 January and 3 February 2021)

**From:** Andy Moger  
**Sent:** 06 January 2021 22:19  
**To:** customerrelations@cheltenham.gov.uk  
**Cc:** Annie Gingell; Leonie Stoate  
**Subject:** Freedom of Information Request - Cheltenham Borough Council

Dear Sir/Madam,

Can you please provide the following information in line with the provisions of the Freedom of Information Act:

1. The number of individuals on the Council's Self Build and Custom Housebuilding register in each of the following base periods as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended):
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
2. The number of associations of individuals on the Council's Self Build and Custom Housebuilding register in each of the following base periods as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended) together with the number of individuals within each of those associations:
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
3. The date on which the Council commenced its Self-Build and Custom Housebuilding register?
4. What are the Council's entry requirements for joining its Self-Build Register?
5. Whether the Council has undertaken any review(s) of its register and when did it occur, and in the process of doing so has the Council removed any applicants from its register?
6. If yes to Q5, what were the grounds for the removal of these applicants and when did this occur?
7. The number of Self-Build and/or Custom Housebuilding planning permissions and/or permissions in principle the Council has granted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers.
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
8. The number of CIL Self-Build Exemption Form 7 Part 1's the Council have counted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of

the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers to which each CIL Form 7 Part 1 relates:

- a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
9. The number of CIL Self-Build Exemption Form 7 Part 2's the Council have counted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers to which each CIL Form 7 Part 2 relates:
- a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
10. How does the Council monitor Self Build and Custom Housebuilding permissions and completions?
11. How does the Council alert individuals and associations of individuals on its Self-Build and Custom Housebuilding Register to any self-build and custom housebuilding permissions it grants?
12. How has the Council publicised the existence of its Self-Build and Custom Housebuilding Register?
13. If the Council has publicised the existence of its Self-Build and Custom Housebuilding register, when did this take place?
14. A copy of the letter sent to the Council from Housing Secretary Right Honourable Robert Jenrick MP as referred to in his speech of 30 October 2020 (<https://www.gov.uk/government/news/boost-for-families-wishing-to-build-their-own-home>)

If there are any problems or if any of the above requires further clarification from me then please let me know.

Kind regards

Andy

**Andy Moger BA (Hons) MA MRTPI**  
**Associate Director**  
TETLOW KING PLANNING

Please read our statement on COVID-19 [here](#)



Unit 2, Eclipse Office Park, High Street,  
Staple Hill, Bristol, BS16 5EL

T: 0117 9561916 M: 07884667892

W: [tetlow-king.co.uk](http://tetlow-king.co.uk)



This electronic transmission is intended only for the attention of the addressee. It may contain privileged and confidential information. If you have received this electronic transmission in error please notify us immediately by telephone, delete the transmission and destroy any hard copies. Tetlow King Planning Ltd has used all reasonable efforts to ensure that this message and any attachments are free from viruses.



**From:** Internet-CustomerRelations@cheltenham.gov.uk  
**Sent:** 07 January 2021 16:37  
**To:** Andy Moger  
**Subject:** RE: Freedom of Information Request - Cheltenham Borough Council

Dear Mr Moger,

Thank you for your enquiry received yesterday. Your request for information has been logged as FOI 7856 and you will receive a response within 20 working days.

Kind regards,

**Beth Cordingley** (Mrs)  
Customer Relations and Information Officer  
Cheltenham Borough Council  
Tel: 01242 264350  
Email: [customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk)  
Website: <http://www.cheltenham.gov.uk>

**Working together** to create a great future for Cheltenham

Follow us on twitter: [www.twitter.com/cheltenhambc](https://www.twitter.com/cheltenhambc)

---

**From:** Andy Moger <[Andy.Moger@tetlow-king.co.uk](mailto:Andy.Moger@tetlow-king.co.uk)>  
**Sent:** 06 January 2021 22:19  
**To:** Internet - Customer Relations <[Internet-CustomerRelations@cheltenham.gov.uk](mailto:Internet-CustomerRelations@cheltenham.gov.uk)>  
**Cc:** Annie Gingell <[Annie.Gingell@tetlow-king.co.uk](mailto:Annie.Gingell@tetlow-king.co.uk)>; Leonie Stoate <[Leonie.Stoate@tetlow-king.co.uk](mailto:Leonie.Stoate@tetlow-king.co.uk)>  
**Subject:** Freedom of Information Request - Cheltenham Borough Council

Dear Sir/Madam,

Can you please provide the following information in line with the provisions of the Freedom of Information Act:

1. The number of individuals on the Council's Self Build and Custom Housebuilding register in each of the following base periods as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended):
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
2. The number of associations of individuals on the Council's Self Build and Custom Housebuilding register in each of the following base periods as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended) together with the number of individuals within each of those associations:
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
3. The date on which the Council commenced its Self-Build and Custom Housebuilding register?

4. What are the Council's entry requirements for joining its Self-Build Register?
5. Whether the Council has undertaken any review(s) of its register and when did it occur, and in the process of doing so has the Council removed any applicants from its register?
6. If yes to Q5, what were the grounds for the removal of these applicants and when did this occur?
7. The number of Self-Build and/or Custom Housebuilding planning permissions and/or permissions in principle the Council has granted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers.
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
8. The number of CIL Self-Build Exemption Form 7 Part 1's the Council have counted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers to which each CIL Form 7 Part 1 relates:
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
9. The number of CIL Self-Build Exemption Form 7 Part 2's the Council have counted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers to which each CIL Form 7 Part 2 relates:
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
10. How does the Council monitor Self Build and Custom Housebuilding permissions and completions?
11. How does the Council alert individuals and associations of individuals on its Self-Build and Custom Housebuilding Register to any self-build and custom housebuilding permissions it grants?
12. How has the Council publicised the existence of its Self-Build and Custom Housebuilding Register?
13. If the Council has publicised the existence of its Self-Build and Custom Housebuilding register, when did this take place?
14. A copy of the letter sent to the Council from Housing Secretary Right Honourable Robert Jenrick MP as referred to in his speech of 30 October 2020 (<https://www.gov.uk/government/news/boost-for-families-wishing-to-build-their-own-home>)

If there are any problems or if any of the above requires further clarification from me then please let me know.

Kind regards  
Andy

**Andy Moger BA (Hons) MA MRTPI**  
**Associate Director**  
TETLOW KING PLANNING



Please read our statement on COVID-19 [here](#)

---

Unit 2, Eclipse Office Park, High Street,  
Staple Hill, Bristol, BS16 5EL

**T:** 0117 9561916 **M:** 07884667892

**W:** [tetlow-king.co.uk](http://tetlow-king.co.uk)



This electronic transmission is intended only for the attention of the addressee. It may contain privileged and confidential information. If you have received this electronic transmission in error please notify us immediately by telephone, delete the transmission and destroy any hard copies. Tetlow King Planning Ltd has used all reasonable efforts to ensure that this message and any attachments are free from viruses.

## Gina Day

---

**From:** Internet-CustomerRelations@cheltenham.gov.uk  
**Sent:** 29 January 2021 16:54  
**To:** Andy Moger  
**Subject:** RE: Freedom of Information Request - Cheltenham Borough Council

Dear Mr Moger,

Thank you for your email. I am sorry that our response is unclear. I have requested the further information from our planning department. I will come back to you as soon as possible.

Many thanks,

**Beth Cordingley** (Mrs)  
Customer Relations and Information Officer  
Cheltenham Borough Council  
Tel: 01242 264350  
Email: [customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk)  
Website: <http://www.cheltenham.gov.uk>

**Working together** to create a great future for Cheltenham

Follow us on twitter: [www.twitter.com/cheltenhambc](https://www.twitter.com/cheltenhambc)

---

**From:** Andy Moger <[Andy.Moger@tetlow-king.co.uk](mailto:Andy.Moger@tetlow-king.co.uk)>  
**Sent:** 29 January 2021 13:20  
**To:** Internet - Customer Relations <[Internet-CustomerRelations@cheltenham.gov.uk](mailto:Internet-CustomerRelations@cheltenham.gov.uk)>  
**Subject:** RE: Freedom of Information Request - Cheltenham Borough Council

Hi Beth,

Many thanks for the information.

I wondered whether you could please provide some clarity in respect of Q5 and Q6?

I note that the Council has removed people from Base Periods and in response has provided data in relation to the number of entries now on those Base Periods, but what is unclear is what the original number of entries were on those Base Periods prior to the review. Given the review date of March/April 2019 I assume that this only applied to Base Periods 1-4. Are you able to please advise what the number of entries in each of those was prior to the review, or if easier, clarify the number of entries removed from each of those Base Periods:

- a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
- b. Base Period 2 (31 October 2016 to 30 October 2017)
- c. Base Period 3 (31 October 2017 to 30 October 2018)
- d. Base Period 4 (31 October 2018 to 30 October 2019)

I look forward to hearing from you.

Kind regards  
Andy

**Andy Moger BA (Hons) MA MRTPI**  
**Associate Director**  
TETLOW KING PLANNING

Please read our statement on COVID-19 [here](#)



This electronic transmission is intended only for the attention of the addressee. It may contain privileged and confidential information. If you have received this electronic transmission in error please notify us immediately by telephone, delete the transmission and destroy any hard copies. Tetlow King Planning Ltd has used all reasonable efforts to ensure that this message and any attachments are free from viruses.

---

**From:** [Internet-CustomerRelations@cheltenham.gov.uk](mailto:Internet-CustomerRelations@cheltenham.gov.uk) <[Internet-CustomerRelations@cheltenham.gov.uk](mailto:Internet-CustomerRelations@cheltenham.gov.uk)>

**Sent:** 27 January 2021 18:13

**To:** Andy Moger <[Andy.Moger@tetlow-king.co.uk](mailto:Andy.Moger@tetlow-king.co.uk)>

**Subject:** RE: Freedom of Information Request - Cheltenham Borough Council

Dear Mr Moger,

The information the council holds in relation to your request for information is below/attached:

1. The number of individuals on the Council's Self Build and Custom Housebuilding register in each of the following base periods as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended):
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016) **5**
  - b. Base Period 2 (31 October 2016 to 30 October 2017) **2**
  - c. Base Period 3 (31 October 2017 to 30 October 2018) **15**
  - d. Base Period 4 (31 October 2018 to 30 October 2019) **17**
  - e. Base Period 5 (31 October 2019 to 30 October 2020) **21**
  - f. Base Period 6 (31 October 2020 to Present) **3**
2. The number of associations of individuals on the Council's Self Build and Custom Housebuilding register in each of the following base periods as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended) together with the number of individuals within each of those associations:
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016) **0**
  - b. Base Period 2 (31 October 2016 to 30 October 2017) **0**
  - c. Base Period 3 (31 October 2017 to 30 October 2018) **0**
  - d. Base Period 4 (31 October 2018 to 30 October 2019) **0**
  - e. Base Period 5 (31 October 2019 to 30 October 2020) **1 group, 10 individuals**
  - f. Base Period 6 (31 October 2020 to Present) **0**
3. The date on which the Council commenced its Self-Build and Custom Housebuilding register? **3<sup>rd</sup> September 2015**
4. What are the Council's entry requirements for joining its Self-Build Register? **You must be aged 18+; be a British Citizen, a national of an EEA State other than the United Kingdom, or a national of Switzerland; be looking to acquire a serviced plot of land in the Cheltenham Borough to build a house to live in as your main residence.**
5. Whether the Council has undertaken any review(s) of its register and when did it occur, and in the process of doing so has the Council removed any applicants from its register? **Yes**
6. If yes to Q5, what were the grounds for the removal of these applicants and when did this occur? **To keep the register in line with GDPR, we asked those still interested in being part of the register to confirm their interest on 12<sup>th</sup> March 2019. Those who did not reply by the deadline 2<sup>nd</sup> April 2019 were removed.**
7. The number of Self-Build and/or Custom Housebuilding planning permissions and/or permissions in principle the Council has granted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers.

- a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016) [18/02581/FUL](#) Cromwell Court, Greenway Lane. Demolition of existing dwelling and construction of 8 x self & custom build dwellings of 4+ bedrooms with associated works. Permitted 21/03/2019. [Only 4 plots count toward meeting demand as the other 4 plots go towards the owners of the site who were not eligible to be placed on the register.]
  - b. Base Period 2 (31 October 2016 to 30 October 2017) [19/02417/FUL](#) Fiddlers Green Lodge, Pheasant Lane. Erection of 2 no. self-build dwellings including landscaping, footpath and passing bay. Permitted 29/01/2020.
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
8. The number of CIL Self-Build Exemption Form 7 Part 1's the Council have counted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers to which each CIL Form 7 Part 1 relates:  
The Council is working on a methodology to use CIL Exemption Forms as evidence. For now, we have chosen not to use them as evidence.
- a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
9. The number of CIL Self-Build Exemption Form 7 Part 2's the Council have counted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers to which each CIL Form 7 Part 2 relates:  
The Council is working on a methodology to use CIL Exemption Forms as evidence. For now, we have chosen not to use them as evidence.
- a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
10. How does the Council monitor Self Build and Custom Housebuilding permissions and completions?  
Permissions are monitored by extracting those that contain specific references to self- or custom-build in their descriptions from our database. Completions are monitored as part of our overall residential monitoring.
11. How does the Council alert individuals and associations of individuals on its Self-Build and Custom Housebuilding Register to any self-build and custom housebuilding permissions it grants? We email everyone on the register at once but only with the consent of the applicant/landowner.
12. How has the Council publicised the existence of its Self-Build and Custom Housebuilding Register?  
As per the guidance, we hold a webpage dedicated to the topic of self-build. We also include updates to the self-build situation in our Authority Monitoring Reports.
13. If the Council has publicised the existence of its Self-Build and Custom Housebuilding register, when did this take place? AMRs are published annually.
14. A copy of the letter sent to the Council from Housing Secretary Right Honourable Robert Jenrick MP as referred to in his speech of 30 October 2020 (<https://www.gov.uk/government/news/boost-for-families-wishing-to-build-their-own-home>) See attached.

Please note: If you are dissatisfied with the Council's response you have a right of appeal. In the first instance please forward your appeal to Customer Relations, Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham, GL50 9SA or email: [customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk). Your appeal will be considered and a response sent to you within 20 working days.

If you are still not happy with any decision following any review you have a further right of appeal to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Kind regards,

**Beth Cordingley** (Mrs)

Customer Relations and Information Officer

Cheltenham Borough Council

Tel: 01242 264350

Email: [customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk)

Website: <http://www.cheltenham.gov.uk>

**Working together** to create a great future for Cheltenham

Follow us on twitter: [www.twitter.com/cheltenhambc](https://www.twitter.com/cheltenhambc)

---

**From:** Internet - Customer Relations

**Sent:** 07 January 2021 16:37

**To:** 'Andy Moger' <[Andy.Moger@tetlow-king.co.uk](mailto:Andy.Moger@tetlow-king.co.uk)>

**Subject:** RE: Freedom of Information Request - Cheltenham Borough Council

Dear Mr Moger,

Thank you for your enquiry received yesterday. Your request for information has been logged as FOI 7856 and you will receive a response within 20 working days.

Kind regards,

**Beth Cordingley** (Mrs)

Customer Relations and Information Officer

Cheltenham Borough Council

Tel: 01242 264350

Email: [customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk)

Website: <http://www.cheltenham.gov.uk>

**Working together** to create a great future for Cheltenham

Follow us on twitter: [www.twitter.com/cheltenhambc](https://www.twitter.com/cheltenhambc)

---

**From:** Andy Moger <[Andy.Moger@tetlow-king.co.uk](mailto:Andy.Moger@tetlow-king.co.uk)>

**Sent:** 06 January 2021 22:19

**To:** Internet - Customer Relations <[Internet-CustomerRelations@cheltenham.gov.uk](mailto:Internet-CustomerRelations@cheltenham.gov.uk)>

**Cc:** Annie Gingell <[Annie.Gingell@tetlow-king.co.uk](mailto:Annie.Gingell@tetlow-king.co.uk)>; Leonie Stoate <[Leonie.Stoate@tetlow-king.co.uk](mailto:Leonie.Stoate@tetlow-king.co.uk)>

**Subject:** Freedom of Information Request - Cheltenham Borough Council

Dear Sir/Madam,

Can you please provide the following information in line with the provisions of the Freedom of Information Act:

1. The number of individuals on the Council's Self Build and Custom Housebuilding register in each of the following base periods as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended):
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)



- f. Base Period 6 (31 October 2020 to Present)
2. The number of associations of individuals on the Council's Self Build and Custom Housebuilding register in each of the following base periods as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended) together with the number of individuals within each of those associations:
    - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
    - b. Base Period 2 (31 October 2016 to 30 October 2017)
    - c. Base Period 3 (31 October 2017 to 30 October 2018)
    - d. Base Period 4 (31 October 2018 to 30 October 2019)
    - e. Base Period 5 (31 October 2019 to 30 October 2020)
    - f. Base Period 6 (31 October 2020 to Present)
  3. The date on which the Council commenced its Self-Build and Custom Housebuilding register?
  4. What are the Council's entry requirements for joining its Self-Build Register?
  5. Whether the Council has undertaken any review(s) of its register and when did it occur, and in the process of doing so has the Council removed any applicants from its register?
  6. If yes to Q5, what were the grounds for the removal of these applicants and when did this occur?
  7. The number of Self-Build and/or Custom Housebuilding planning permissions and/or permissions in principle the Council has granted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers.
    - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
    - b. Base Period 2 (31 October 2016 to 30 October 2017)
    - c. Base Period 3 (31 October 2017 to 30 October 2018)
    - d. Base Period 4 (31 October 2018 to 30 October 2019)
    - e. Base Period 5 (31 October 2019 to 30 October 2020)
    - f. Base Period 6 (31 October 2020 to Present)
  8. The number of CIL Self-Build Exemption Form 7 Part 1's the Council have counted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers to which each CIL Form 7 Part 1 relates:
    - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
    - b. Base Period 2 (31 October 2016 to 30 October 2017)
    - c. Base Period 3 (31 October 2017 to 30 October 2018)
    - d. Base Period 4 (31 October 2018 to 30 October 2019)
    - e. Base Period 5 (31 October 2019 to 30 October 2020)
    - f. Base Period 6 (31 October 2020 to Present)
  9. The number of CIL Self-Build Exemption Form 7 Part 2's the Council have counted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers to which each CIL Form 7 Part 2 relates:
    - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
    - b. Base Period 2 (31 October 2016 to 30 October 2017)
    - c. Base Period 3 (31 October 2017 to 30 October 2018)
    - d. Base Period 4 (31 October 2018 to 30 October 2019)
    - e. Base Period 5 (31 October 2019 to 30 October 2020)
    - f. Base Period 6 (31 October 2020 to Present)
  10. How does the Council monitor Self Build and Custom Housebuilding permissions and completions?

11. How does the Council alert individuals and associations of individuals on its Self-Build and Custom Housebuilding Register to any self-build and custom housebuilding permissions it grants?
12. How has the Council publicised the existence of its Self-Build and Custom Housebuilding Register?
13. If the Council has publicised the existence of its Self-Build and Custom Housebuilding register, when did this take place?
14. A copy of the letter sent to the Council from Housing Secretary Right Honourable Robert Jenrick MP as referred to in his speech of 30 October 2020 (<https://www.gov.uk/government/news/boost-for-families-wishing-to-build-their-own-home>)

If there are any problems or if any of the above requires further clarification from me then please let me know.

Kind regards  
Andy

**Andy Moger BA (Hons) MA MRTPI**  
**Associate Director**  
TETLOW KING PLANNING



Please read our statement on COVID-19 [here](#)

---

Unit 2, Eclipse Office Park, High Street,  
Staple Hill, Bristol, BS16 5EL

**T:** 0117 9561916 **M:** 07884667892  
**W:** [tetlow-king.co.uk](http://tetlow-king.co.uk)



This electronic transmission is intended only for the attention of the addressee. It may contain privileged and confidential information. If you have received this electronic transmission in error please notify us immediately by telephone, delete the transmission and destroy any hard copies. Tetlow King Planning Ltd has used all reasonable efforts to ensure that this message and any attachments are free from viruses.

## Gina Day

---

**From:** Internet-CustomerRelations@cheltenham.gov.uk  
**Sent:** 03 February 2021 19:15  
**To:** Andy Moger  
**Subject:** RE: Freedom of Information Request - Cheltenham Borough Council

Dear Mr Moger,

Please find the further information requested below:

- a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016) **Before review: 19. After: 5.**
  - b. Base Period 2 (31 October 2016 to 30 October 2017) **Before: 6. After: 2.**
  - c. Base Period 3 (31 October 2017 to 30 October 2018) **Before: 19. After: 15.**
  - d. Base Period 4 (31 October 2018 to 30 October 2019) **Before: 17. After: 17.**
- Total removed: 22**

Many thanks,

**Beth Cordingley** (Mrs)  
Customer Relations and Information Officer  
Cheltenham Borough Council  
Tel: 01242 264350  
Email: [customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk)  
Website: <http://www.cheltenham.gov.uk>

**Working together** to create a great future for Cheltenham

Follow us on twitter: [www.twitter.com/cheltenhambc](https://www.twitter.com/cheltenhambc)

---

**From:** Internet - Customer Relations  
**Sent:** 29 January 2021 16:54  
**To:** 'Andy Moger' <[Andy.Moger@tetlow-king.co.uk](mailto:Andy.Moger@tetlow-king.co.uk)>  
**Subject:** RE: Freedom of Information Request - Cheltenham Borough Council

Dear Mr Moger,

Thank you for your email. I am sorry that our response is unclear. I have requested the further information from our planning department. I will come back to you as soon as possible.

Many thanks,

**Beth Cordingley** (Mrs)  
Customer Relations and Information Officer  
Cheltenham Borough Council  
Tel: 01242 264350  
Email: [customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk)  
Website: <http://www.cheltenham.gov.uk>

**Working together** to create a great future for Cheltenham

Follow us on twitter: [www.twitter.com/cheltenhambc](https://www.twitter.com/cheltenhambc)

---

**From:** Andy Moger <[Andy.Moger@tetlow-king.co.uk](mailto:Andy.Moger@tetlow-king.co.uk)>  
**Sent:** 29 January 2021 13:20  
**To:** Internet - Customer Relations <[Internet-CustomerRelations@cheltenham.gov.uk](mailto:Internet-CustomerRelations@cheltenham.gov.uk)>  
**Subject:** RE: Freedom of Information Request - Cheltenham Borough Council

Hi Beth,

Many thanks for the information.

I wondered whether you could please provide some clarity in respect of Q5 and Q6?

I note that the Council has removed people from Base Periods and in response has provided data in relation to the number of entries now on those Base Periods, but what is unclear is what the original number of entries were on those Base Periods prior to the review. Given the review date of March/April 2019 I assume that this only applied to Base Periods 1-4. Are you able to please advise what the number of entries in each of those was prior to the review, or if easier, clarify the number of entries removed from each of those Base Periods:

- a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
- b. Base Period 2 (31 October 2016 to 30 October 2017)
- c. Base Period 3 (31 October 2017 to 30 October 2018)
- d. Base Period 4 (31 October 2018 to 30 October 2019)

I look forward to hearing from you.

Kind regards  
Andy

**Andy Moger BA (Hons) MA MRTPI**  
**Associate Director**  
TETLOW KING PLANNING



Please read our statement on COVID-19 [here](#)

---

**T:** 0117 9561916 **M:** 07884 667892 **W:** [tetlow-king.co.uk](http://tetlow-king.co.uk)

This electronic transmission is intended only for the attention of the addressee. It may contain privileged and confidential information. If you have received this electronic transmission in error please notify us immediately by telephone, delete the transmission and destroy any hard copies. Tetlow King Planning Ltd has used all reasonable efforts to ensure that this message and any attachments are free from viruses.

---

**From:** [Internet-CustomerRelations@cheltenham.gov.uk](mailto:Internet-CustomerRelations@cheltenham.gov.uk) <[Internet-CustomerRelations@cheltenham.gov.uk](mailto:Internet-CustomerRelations@cheltenham.gov.uk)>

**Sent:** 27 January 2021 18:13

**To:** Andy Moger <[Andy.Moger@tetlow-king.co.uk](mailto:Andy.Moger@tetlow-king.co.uk)>

**Subject:** RE: Freedom of Information Request - Cheltenham Borough Council

Dear Mr Moger,

The information the council holds in relation to your request for information is below/attached:

1. The number of individuals on the Council's Self Build and Custom Housebuilding register in each of the following base periods as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended):
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016) **5**
  - b. Base Period 2 (31 October 2016 to 30 October 2017) **2**
  - c. Base Period 3 (31 October 2017 to 30 October 2018) **15**
  - d. Base Period 4 (31 October 2018 to 30 October 2019) **17**
  - e. Base Period 5 (31 October 2019 to 30 October 2020) **21**
  - f. Base Period 6 (31 October 2020 to Present) **3**
2. The number of associations of individuals on the Council's Self Build and Custom Housebuilding register in each of the following base periods as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended) together with the number of individuals within each of those associations:
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016) **0**

- b. Base Period 2 (31 October 2016 to 30 October 2017) 0
  - c. Base Period 3 (31 October 2017 to 30 October 2018) 0
  - d. Base Period 4 (31 October 2018 to 30 October 2019) 0
  - e. Base Period 5 (31 October 2019 to 30 October 2020) 1 group, 10 individuals
  - f. Base Period 6 (31 October 2020 to Present) 0
3. The date on which the Council commenced its Self-Build and Custom Housebuilding register? 3<sup>rd</sup> September 2015
4. What are the Council's entry requirements for joining its Self-Build Register? You must be aged 18+; be a British Citizen, a national of an EEA State other than the United Kingdom, or a national of Switzerland; be looking to acquire a serviced plot of land in the Cheltenham Borough to build a house to live in as your main residence.
5. Whether the Council has undertaken any review(s) of its register and when did it occur, and in the process of doing so has the Council removed any applicants from its register? Yes
6. If yes to Q5, what were the grounds for the removal of these applicants and when did this occur? To keep the register in line with GDPR, we asked those still interested in being part of the register to confirm their interest on 12<sup>th</sup> March 2019. Those who did not reply by the deadline 2<sup>nd</sup> April 2019 were removed.
7. The number of Self-Build and/or Custom Housebuilding planning permissions and/or permissions in principle the Council has granted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers.
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)  
18/02581/FUL Cromwell Court, Greenway Lane. Demolition of existing dwelling and construction of 8 x self & custom build dwellings of 4+ bedrooms with associated works. Permitted 21/03/2019. [Only 4 plots count toward meeting demand as the other 4 plots go towards the owners of the site who were not eligible to be placed on the register.]
  - b. Base Period 2 (31 October 2016 to 30 October 2017) 19/02417/FUL Fiddlers Green Lodge, Pheasant Lane. Erection of 2 no. self-build dwellings including landscaping, footpath and passing bay. Permitted 29/01/2020.
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
8. The number of CIL Self-Build Exemption Form 7 Part 1's the Council have counted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers to which each CIL Form 7 Part 1 relates:  
The Council is working on a methodology to use CIL Exemption Forms as evidence. For now, we have chosen not to use them as evidence.
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
9. The number of CIL Self-Build Exemption Form 7 Part 2's the Council have counted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers to which each CIL Form 7 Part 2 relates:  
The Council is working on a methodology to use CIL Exemption Forms as evidence. For now, we have chosen not to use them as evidence.

- a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
10. How does the Council monitor Self Build and Custom Housebuilding permissions and completions?  
Permissions are monitored by extracting those that contain specific references to self- or custom-build in their descriptions from our database. Completions are monitored as part of our overall residential monitoring.
  11. How does the Council alert individuals and associations of individuals on its Self-Build and Custom Housebuilding Register to any self-build and custom housebuilding permissions it grants? We email everyone on the register at once but only with the consent of the applicant/landowner.
  12. How has the Council publicised the existence of its Self-Build and Custom Housebuilding Register?  
As per the guidance, we hold a webpage dedicated to the topic of self-build. We also include updates to the self-build situation in our Authority Monitoring Reports.
  13. If the Council has publicised the existence of its Self-Build and Custom Housebuilding register, when did this take place? AMRs are published annually.
  14. A copy of the letter sent to the Council from Housing Secretary Right Honourable Robert Jenrick MP as referred to in his speech of 30 October 2020 (<https://www.gov.uk/government/news/boost-for-families-wishing-to-build-their-own-home>) See attached.

Please note: If you are dissatisfied with the Council's response you have a right of appeal. In the first instance please forward your appeal to Customer Relations, Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham, GL50 9SA or email: [customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk). Your appeal will be considered and a response sent to you within 20 working days.

If you are still not happy with any decision following any review you have a further right of appeal to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Kind regards,

**Beth Cordingley** (Mrs)  
Customer Relations and Information Officer  
Cheltenham Borough Council  
Tel: 01242 264350  
Email: [customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk)  
Website: <http://www.cheltenham.gov.uk>

**Working together** to create a great future for Cheltenham

Follow us on twitter: [www.twitter.com/cheltenhambc](https://www.twitter.com/cheltenhambc)

---

**From:** Internet - Customer Relations

**Sent:** 07 January 2021 16:37

**To:** 'Andy Moger' <[Andy.Moger@tetlow-king.co.uk](mailto:Andy.Moger@tetlow-king.co.uk)>

**Subject:** RE: Freedom of Information Request - Cheltenham Borough Council

Dear Mr Moger,

Thank you for your enquiry received yesterday. Your request for information has been logged as FOI 7856 and you will receive a response within 20 working days.

Kind regards,

**Beth Cordingley** (Mrs)  
Customer Relations and Information Officer  
Cheltenham Borough Council

**Working together** to create a great future for Cheltenham

Follow us on twitter: [www.twitter.com/cheltenhambc](https://www.twitter.com/cheltenhambc)

---

**From:** Andy Moger <[Andy.Moger@tetlow-king.co.uk](mailto:Andy.Moger@tetlow-king.co.uk)>  
**Sent:** 06 January 2021 22:19  
**To:** Internet - Customer Relations <[Internet-CustomerRelations@cheltenham.gov.uk](mailto:Internet-CustomerRelations@cheltenham.gov.uk)>  
**Cc:** Annie Gingell <[Annie.Gingell@tetlow-king.co.uk](mailto:Annie.Gingell@tetlow-king.co.uk)>; Leonie Stoate <[Leonie.Stoate@tetlow-king.co.uk](mailto:Leonie.Stoate@tetlow-king.co.uk)>  
**Subject:** Freedom of Information Request - Cheltenham Borough Council

Dear Sir/Madam,

Can you please provide the following information in line with the provisions of the Freedom of Information Act:

1. The number of individuals on the Council's Self Build and Custom Housebuilding register in each of the following base periods as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended):
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
2. The number of associations of individuals on the Council's Self Build and Custom Housebuilding register in each of the following base periods as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended) together with the number of individuals within each of those associations:
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
3. The date on which the Council commenced its Self-Build and Custom Housebuilding register?
4. What are the Council's entry requirements for joining its Self-Build Register?
5. Whether the Council has undertaken any review(s) of its register and when did it occur, and in the process of doing so has the Council removed any applicants from its register?
6. If yes to Q5, what were the grounds for the removal of these applicants and when did this occur?
7. The number of Self-Build and/or Custom Housebuilding planning permissions and/or permissions in principle the Council has granted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers.
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)



8. The number of CIL Self-Build Exemption Form 7 Part 1's the Council have counted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers to which each CIL Form 7 Part 1 relates:
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
9. The number of CIL Self-Build Exemption Form 7 Part 2's the Council have counted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers to which each CIL Form 7 Part 2 relates:
  - a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)
  - b. Base Period 2 (31 October 2016 to 30 October 2017)
  - c. Base Period 3 (31 October 2017 to 30 October 2018)
  - d. Base Period 4 (31 October 2018 to 30 October 2019)
  - e. Base Period 5 (31 October 2019 to 30 October 2020)
  - f. Base Period 6 (31 October 2020 to Present)
10. How does the Council monitor Self Build and Custom Housebuilding permissions and completions?
11. How does the Council alert individuals and associations of individuals on its Self-Build and Custom Housebuilding Register to any self-build and custom housebuilding permissions it grants?
12. How has the Council publicised the existence of its Self-Build and Custom Housebuilding Register?
13. If the Council has publicised the existence of its Self-Build and Custom Housebuilding register, when did this take place?
14. A copy of the letter sent to the Council from Housing Secretary Right Honourable Robert Jenrick MP as referred to in his speech of 30 October 2020 (<https://www.gov.uk/government/news/boost-for-families-wishing-to-build-their-own-home>)

If there are any problems or if any of the above requires further clarification from me then please let me know.

Kind regards

Andy

**Andy Moger BA (Hons) MA MRTPI**  
**Associate Director**  
 TETLOW KING PLANNING



Please read our statement on COVID-19 [here](#)

Unit 2, Eclipse Office Park, High Street,  
 Staple Hill, Bristol, BS16 5EL

T: 0117 9561916 M: 07884667892

W: [tetlow-king.co.uk](http://tetlow-king.co.uk)



This electronic transmission is intended only for the attention of the addressee. It may contain privileged and confidential information. If you have received this electronic transmission in error please notify us immediately by telephone, delete the transmission and destroy any hard copies. Tetlow King Planning Ltd has used all reasonable efforts to ensure that this message and any attachments are free from viruses.

## Appendix AM2

---

Self-Build and Custom Housebuilding Section of the Planning  
Practice Guidance (8 February 2021)



1. Home (<https://www.gov.uk/>)
2. Housing, local and community (<https://www.gov.uk/housing-local-and-community>)
3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Guidance

# Self-build and custom housebuilding

Self-build and custom housebuilding registers.

Published 1 April 2016

Last updated 8 February 2021 — see all updates

From:  
Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

## Contents

- Self-build and custom housebuilding
- Self-build and custom housebuilding registers
- Self-build and custom housebuilding land duties
- Exemptions from the 2015 Act duties
- Cost recovery

Print this page

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>), the policies in the previous version of the framework published in 2012 (<http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>) will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018. If you'd like an email alert when changes are made to planning guidance please subscribe (<https://www.gov.uk/topic/planning-development/planning-officer-guidance/email-signup>).

## Self-build and custom housebuilding

### What is self-build and custom housebuilding?

Self-build and custom housebuilding covers a wide spectrum, from projects where individuals are involved in building or managing the construction of their home from beginning to end, to projects where individuals commission their home, making key design and layout decisions, but the home is built ready for occupation ('turnkey').

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) (<http://www.legislation.gov.uk/ukpga/2015/17/contents/enacted/data.htm>) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

When reading this guidance, reference should be made to the:

- Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) (<http://www.legislation.gov.uk/ukpga/2015/17/contents/enacted>)
- Self-build and Custom Housebuilding Regulations 2016 (<http://www.legislation.gov.uk/uksi/2016/950/contents/made>)
- Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016 (<http://www.legislation.gov.uk/uksi/2016/1027/contents/made>)

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.

Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing.

The Community Infrastructure Levy Regulations 2010 allow for certain development such as self-build and custom build housing to apply for an exemption from the levy and guidance provides a definition of self-build and custom build housing for that purpose. Self-build and custom build multi-unit and communal schemes can also qualify for the exemption where they meet the required criteria. See guidance on Community Infrastructure Levy exemptions (<https://www.gov.uk/guidance/community-infrastructure-levy#para082>).

Paragraph: 016 Reference ID: 57-016-20210208

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **What are the benefits of self-build and custom housebuilding?**

Self-build or custom build helps to diversify the housing market and increase consumer choice. Self-build and custom housebuilders choose the design and layout of their home, and can be innovative in both its design and construction

Paragraph: 16a Reference ID: 57-016a-20210208

Revision date: 08 02 2021

## **Self-build and custom housebuilding registers**

### **Who does the requirement to keep a self-build and custom housebuilding register and the duty to have regard to the register fall to?**

Responsibility for keeping a self-build and custom housebuilding register falls to “relevant authorities” as set out in section 1 of the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) (<http://www.legislation.gov.uk/ukpga/2015/17/section/1/enacted>), and includes:

- district councils;
- county councils in England so far as they are councils for an area for which there are no district councils;
- London borough councils;
- the Common Council of the City of London;
- the Council of the Isles of Scilly;
- the Broads Authority and National Park authorities in England are the relevant authority for the whole of their respective areas, to the exclusion of any authority mentioned above.

The requirement to keep a register does not fall to Urban Development Corporations and Mayoral Development Corporations.

The duty to have regard to the register is not limited to the relevant authorities that must keep a register. This is because other public bodies may have responsibility for housing and redevelopment functions in an area. In addition to relevant authorities, the public bodies that are required to have regard to each self-build and custom housebuilding register that relates to their area are:

- county councils in England in areas where there are district councils
- the Sub-Treasurer of the Inner Temple (in that person’s capacity as a local authority)
- the Under-Treasurer of the Middle Temple (in that person’s capacity as a local authority)

Paragraph: 001 Reference ID: 57-001-20170728

Revision date: 28 07 2017 See previous version

(<http://webarchive.nationalarchives.gov.uk/20170417114230/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

### **Can relevant authorities hold a joint register?**

Authorities can choose to work together to publicise and promote their registers and have a single application form provided it is clear which authority the application is being made to.

However, under the Self-build and Custom Housebuilding Act 2015 as amended by the Housing and Planning Act 2016 (<http://www.legislation.gov.uk/ukpga/2015/17/contents/enacted>) each relevant authority must keep and publicise a register.

An authority can also choose to work with a private sector supplier to maintain the register provided the relevant authority holds and publicises its register in accordance with the legislation.

Paragraph: 007 Reference ID: 57-007-20210208

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **Why must relevant authorities keep a self-build and custom housebuilding register?**

Paragraph removed

Paragraph: 002 Reference ID: 57-002-20210508

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **What information must relevant authorities include on their register?**

The information that relevant authorities must include on their register differs for entries for individuals and entries for associations of individuals.

For entries on the register for individuals, relevant authorities must record the name and address of the individual on the register.

For entries on the register for associations of individuals, relevant authorities must record the following information on the register:

- the name and address of the association;
- the name and address (if different from that of the association) of the lead contact; and
- the number of serviced plots of land in the relevant authority's area the members of the association are seeking to acquire.

In all cases the date on which an entry was made – and any dates on which it has been amended – must be recorded on the register.

Paragraph: 005 Reference ID: 57-005-20160401

Revision date: 01 04 2016

## **Can relevant authorities request applicants to provide additional information to that required by the legislation?**

As part of the registration process relevant authorities can request applicants to provide additional information to that required by the legislation. This can support a greater understanding of the nature of demand for self-build and custom housebuilding in their area, inform local planning policies and assist in bring forward appropriate land.

However, those who meet the eligibility criteria but do not provide the additional information requested must still be entered on the register. Relevant authorities should ensure that any additional information requested is relevant, proportionate and reasonable.

Examples of additional information could (while having regard to data protection obligations) include:



- The applicant's age and whether they have dependents living with them;
- The location where an applicant wants to build in the authority's area (for example town/village/ward if appropriate);
- The type of project an applicant seeks to undertake (for example, self-build or custom build) - this information can assist local builders and developers in bringing forward suitable opportunities;
- Preferred tenure, dwelling type and plot size preference;
- Whether an applicant is looking for a single independent plot or a plot on a housing site; and
- Budget to acquire a plot and build a house.

Relevant authorities can collaborate to share best practice on information collection and use.

Paragraph: 006 Reference ID: 57-006-20210208

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **Who is eligible to be entered on the register?**

Applicants must meet all of the eligibility criteria for entry on the register. Each individual applicant and every member of an association of individuals that applies for entry on the register must:

- be aged 18 or older;
- be a British citizen, a national of a EEA State other than the United Kingdom, or a national of Switzerland;
- satisfy any local eligibility conditions set by the relevant authority (but with regard to applications from members of the armed forces and ex-services personnel see paragraph 021);
- have paid any fee required by the relevant authority to enter or remain on the register; and
- be seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area for their own self-build and custom housebuilding project.

When applying to be entered on a register, individuals who wish to register as an association must appoint a member or officer to act as the lead contact for the purposes of correspondence between the association and the relevant authority.

Paragraph: 008 Reference ID: 57-008-20210208

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **In what circumstances should a register have two parts?**

Relevant authorities who choose to set a local connection test are required to have two parts to their register. 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 who meet all the eligibility criteria except for a local connection test must be entered on Part 2 of the register.

## **What is the difference between the two parts of the register?**

Relevant authorities must count entries on Part 1 of the register towards the number of suitable serviced plots that they must grant development permission for. See the section on self-build and custom housebuilding duties for further information on the duty to grant planning permission etc. Entries on Part 2 do not count towards demand for the purpose of the 2015 Act (as amended) but relevant authorities must have regard to the entries on Part 2 when carrying out their planning, housing, land disposal and regeneration functions.

This means, for example, in plan-making the starting point for establishing overall demand for self-build and custom housebuilding would be the number of registrants on Part 1 and Part 2 of the register.

Paragraph: 018 Reference ID: 57-018-20210208 Revision date: 08 02 2021 See previous version (<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **What local eligibility tests can a relevant authority set?**

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) enables relevant authorities to include up to two optional local eligibility tests. These are limited to a local connection test and a financial solvency test. We expect that relevant authorities will apply one or both of these tests only where they have a strong justification for doing so.

Authorities are advised to ensure that they provide clear information to individuals and groups on the rationale underpinning local eligibility tests.

Relevant authorities are advised to consult on their proposals before they introduce an eligibility test, and to review them periodically to ensure that they remain appropriate and that they are still achieving the desired effect.

Paragraph: 019 Reference ID: 57-019-20210208

Revision date: 08 02 2021 See previous version (<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **What can the local eligibility tests look like?**

It is for each relevant authority to determine the rationale for introducing a local eligibility test and hence the specific conditions set. Any eligibility test introduced by an authority needs to be proportionate, reasonable and reviewed periodically to ensure that it responds to issues in the local area, for example for areas with exceptional demand or limited land availability.

In designing a local connection test, relevant authorities may wish to consider criteria based on residency, having a family member residing in the local area and/or having an employment connection to the local area.

Aligning the test with local connection criteria used in local planning policies, for example relating to affordable housing or rural exception sites, may also be useful.

In designing a financial solvency test, relevant authorities may wish to assess whether the applicant can afford to purchase the land. Authorities should be aware that self-build and custom build can provide a route to affordable home ownership for those on low incomes and so will need to take this into consideration if introducing a financial solvency test.

When considering associations of individuals a relevant authority may wish to consider an association's collective ability to purchase a site and assume that each member can make an appropriate contribution.

Paragraph: 020 Reference ID: 57-020-20210508

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

### **How should relevant authorities treat applications to join their register from members of the armed forces and ex-services personnel where they have applied a local connection test?**

In cases where members of the armed forces do not meet any local connection test applied, they must be deemed as having done so and be entered on Part 1 of the register. For applications made by ex-service personnel this includes the period of time since they have left the armed forces which is equal to any period of time specified in any local connection test applied.

Paragraph: 021 Reference ID: 57-021-20210208

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

### **How should relevant authorities treat applications for entry on the register that are made by couples or by two or more members of the same household?**

Relevant authorities should ensure that they have processes in place to consider how to process applications for entry on the register from couples, or two or more members of one household, who are jointly seeking to acquire a serviced plot of land for their own self-build and custom housebuilding.

If more than one individual application is made by a couple or by two or more members of one household, and each of the individuals is eligible for entry on the registers, the relevant authority must make the relevant entries on the register.

Paragraph: 009 Reference ID: 57-009-20170728

Revision date: 28 07 2017 See previous version

(<http://webarchive.nationalarchives.gov.uk/20170417114230/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

### **What is the relationship between the register and the Strategic Housing Market Assessment?**

Assessment of local housing need as a whole should be conducted using the standard method in national planning guidance. Within this context, the size, type and tenure of housing needed for different groups should be assessed including people wishing to self-build or custom-build their own homes.

Local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources (as outlined in the housing and economic development needs guidance (<https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>)), to understand and consider future need for this type of housing in their area. Secondary sources can include data from building plot search websites, enquiries for building plots recorded by local estate agents and surveys of local residents. Demand assessment tools can also be utilised.

Plan-makers will need to make reasonable assumptions using the data on their register to avoid double-counting households.

Paragraph: 011 Reference ID: 57-011-20210208

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **How should relevant authorities publicise their register and are they required to publish data from their register?**

Section 1(2) of the Self-build and Custom Housebuilding Act 2015

(<http://www.legislation.gov.uk/ukpga/2015/17/section/1/enacted>) requires each relevant authority to publicise its register. As a minimum, it is recommended that relevant authorities hold and regularly update a web page that is dedicated to self-build and custom housebuilding. Relevant authorities are encouraged to consider additional innovative methods of publicising their register to increase awareness of it such as hosting events.

Relevant authorities are encouraged to publish in their Authority Monitoring Report and the self and custom build section of their website, headline data on the demand for self-build and custom housebuilding revealed by their register and other sources. This can support development opportunities for self-build and custom housebuilding by increasing awareness among landowners, builders and developers of the level and nature of demand for self-build and custom housebuilding in the local area.

Authorities may wish to consider using a range of other communication approaches to ensure that their registers are publicised locally; for example through local radio, newspapers and social media, neighbourhood forums, parish and town councils and other opportunities.

The types of information relevant authorities are advised to publish (while having regard to data protection obligations) include:

- the number of individuals and associations on their register;
- the number of serviced plots of land sought; and
- preferred locations in a local area, plot sizes and type of housing intended to be built, where this information has been requested by the authority and provided by an applicant.

Publishing data such as the numbers of individuals or groups who have successfully acquired plots in a local area can be a useful way of demonstrating progress locally to meet demand for self-build and custom building in an area.

Paragraph: 012 Reference ID: 57-012-20210508

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **How can relevant authorities communicate and promote their actions to support self-build and custom housebuilding?**

As well as publicising the data which the register holds, relevant authorities should consider using a dedicated webpage to promote:

- the purpose of the register and how to apply for entry on it;
- eligibility criteria, including any local eligibility criteria (setting out the justification and review date);
- activities undertaken information on sites for self-build and custom housebuilding including suitable development permissions, local and neighbourhood plan allocations and other opportunities provided for by local planning policies; and
- details on activities to promote self-build and custom housebuilding;

Providing information on one well signposted and easily accessible site may help to reduce any risk of complaint or challenge that an authority is not complying with its duties under the 2015 Act and reduce the amount of correspondence asking for an update on progress.

Relevant authorities can use email if they wish to do so to communicate with those seeking entry on their register and those on their register where applicants have provided an email address subject to data protection considerations.

Paragraph: 022 Reference ID: 57-022-20210508

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **Can relevant authorities use email as a means of communication with those applying for entry on their register and those on their register?**

Paragraph remove and incorporated into Paragraph 022 above

Paragraph: 004 Reference ID: 57-004-20210508

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **Self-build and custom housebuilding land duties**

This section provides information on the two duties in the 2015 Act (as amended by the Housing and Planning Act 2016) which are concerned with increasing the availability of land for self-build and custom housebuilding. These duties are the 'duty to grant planning permission etc' and the 'duty as regards registers'.

## **What does having a ‘duty to grant planning permission etc’ mean?**

Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority’s register during a base period.

The first base period begins on the day on which the register (which meets the requirement of the 2015 Act) is established and ends on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. Subsequent base periods will therefore run from 31 October to 30 October each year.

At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.

Paragraph: 023 Reference ID: 57-023-201760728

Revision date: 28 07 2017

## **Who does the ‘duty to grant planning permission etc’ apply to?**

The ‘duty to grant planning permission etc’ applies to the same authorities who are required to hold a register provided they are also a local planning authority within the meaning of the Town and Country Planning Act 1990.

Paragraph: 024 Reference ID: 57-024-201760728

Revision date: 28 07 2017

## **How can relevant authorities increase the number of planning permissions which are suitable for self-build and custom housebuilding?**

Relevant authorities should consider how local planning policies may address identified requirements for self and custom housebuilding to ensure enough serviced plots with suitable permission come forward (for example, as a number of units required as part of certain allocated sites, or on certain types of site).

More widely, relevant authorities can play a key role in brokering and facilitating relationships to help bring suitable land forward. This can include:

- supporting Neighbourhood Planning groups where they choose to include self-build and custom build housing policies in their plans;
- effective joint working across service delivery areas and with local delivery partners including Housing Associations, Arms Length Management Organisations and housing developers;
- using their own land (if available and suitable) for self-build and custom housebuilding and marketing it to those on the register;
- working with Homes England to unlock land and sites in wider public ownership to deliver self-build and custom build housing;

- when engaging with developers and landowners who own sites that are suitable for housing, and encouraging them to consider self-build and custom housebuilding, and facilitating access to those on the register where the landowner is interested.
- working with local partners, such as Housing Associations and third sector groups, to custom build affordable housing for veterans and other groups in acute housing need.

Paragraph: 025 Reference ID: 57-025-20210508

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **What is the definition of a serviced plot of land?**

A serviced plot of land is a plot of land that either has access to a public highway and has connections for electricity, water and waste water, or, in the opinion of a relevant authority, can be provided with access to those things within the duration of a development permission granted in relation to that land.

A serviced plot of land could be an opportunity for converting an existing building to residential use (rather than a new build) provided the plot otherwise meets the statutory definition (see section 5(1) of the Self and Custom Housebuilding Act 2015 and regulation 3 of the Self-build and Custom Housebuilding Regulations 2016 S.I. 2016/950 (<https://www.legislation.gov.uk/ukSI/2016/950/regulation/5/made>)).

Access to a public highway can include sections of private or unadopted road. It does not mean that the plot has to be immediately adjacent to the public highway, just that there is the guaranteed right of access to the public highway.

Connections for electricity, water and waste water means that the services must either be provided to the boundary of the plot so that connections can be made as appropriate during construction or adequate alternative arrangements must be possible such as the use of a cesspit rather than mains drainage.

For example a plot of land alongside an existing public highway that is an infill between existing dwellings would count as being serviced. There is no expectation that services must be physically connected to the plot at the time of granting planning permission.

Paragraph: 026 Reference ID: 57-026-20210508

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **How can authorities record suitable permissions?**

The legislation does not specify how suitable permissions must be recorded. However, the following are examples of methods a relevant authority may wish to consider to determine if an application, permission or development is for self-build or custom housebuilding:



- Whether developers have identified that self-build or custom build plots will be included as part of their development and it is clear that the initial owner of the homes will have primary input into its final design and layout;
- Whether a planning application references self-build or custom build and it is clear that the initial owner of the homes will have primary input into its final design and layout; and
- Whether a Community Infrastructure Levy or Section 106 exemption has been granted for a particular development.

A relevant authority must be satisfied that development permissions being counted meet the legislative requirements.

Paragraph: 038 Reference ID: 57-038-20210508

Revision date: 08 02 2021

## **What can someone on a register expect?**

Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. There is no duty on a relevant authority to permission land which specifically meets the requirements expressed by those on the register. Relevant authorities should use preferences expressed by those on the register to guide their decisions when looking at how to meet the duty to grant planning permission etc. This will help ensure that relevant authorities permission land suitable for self-build and custom housebuilding which people are actually keen to develop.

Relevant authorities should also consider informing those on the register when they have permissioned suitable land, or when suitable sites are made available through land disposal, and could maintain an up-to-date list of suitable permissioned land that can be shared with those on the register. Ideally this would include contact details for the land owner, where their consent has been obtained, so that if anyone on the register is interested in purchasing the land they know who to contact.

Paragraph: 028 Reference ID: 57-028-20210508

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **What does having ‘a duty as regards registers’ mean?**

Section 2(1) of the Self-build and Custom Housebuilding Act 2015

(<http://www.legislation.gov.uk/ukpga/2015/17/section/2/enacted>) places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, including Part 2 of the register (where a register is in two parts), that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.

The following guidance suggests ways in which the duty may be demonstrated in carrying out each function:

### **(i) Planning**

The registers that relate to the area of a local planning authority – and the duty to have regard to them – needs to be taken into account in preparing planning policies, and are also likely to be a material consideration in decisions involving proposals for self and custom housebuilding.

## **(ii) Housing**

Local housing authorities will need to consider the evidence of demand for self-build and custom housebuilding from the registers when carrying out their housing functions. This includes preparing their local housing strategies, delivery of affordable housing, supporting community-led housing and in developing plans for new housing on land owned by the local housing authority. Authorities are encouraged to work closely with local delivery partners to ensure that self-build and custom housebuilding is an integral part of their housing delivery strategy.

## **(iii) Land disposal**

Relevant authorities should consider the evidence of demand for self-build and custom housebuilding in their area from the register when developing plans to dispose of land within their ownership. This can be particularly valuable in ensuring sufficient sites come forward for self-build and custom housebuilding.

## **(iv) Regeneration**

When developing plans to regenerate their area, relevant authorities should consider the demand for self-build and custom housebuilding. Self-build and custom housebuilding can help to deliver regeneration on suitable brownfield sites, underutilised land and other public sector land.

Paragraph: 014 Reference ID: 57-014-20210508

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **How should relevant authorities count entries from associations of individuals towards demand levels for the ‘duty to grant planning permission etc’?**

For the purpose of calculating demand, relevant authorities should count associations of individuals as a single entry on the register. This is because we expect that the rationale for joining a register as a member of an association will be for the self-build and custom housebuilding project to be in close proximity to other members of the association. We therefore expect that associations of will be interested in a single site that is large enough to encompass their needs rather than separate plots of land.

Paragraph: 027 Reference ID: 57-027-201760728

Revision date: 28 07 2017

## **Exemptions from the 2015 Act duties**

### **Can authorities become exempt from the ‘duty as regards registers’?**

No. Authorities must have regard to their register when carrying out their planning, housing, land disposal and regeneration functions. There is no exemption from this duty.

Paragraph: 029 Reference ID: 57-029-20210208

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **When can a relevant authority apply for an exemption to the ‘duty to grant planning permission etc’?**

A relevant authority may make an application for an exemption if for any base period (see the section on what having a ‘duty to grant planning permission etc’ means) the demand for self-build and custom housebuilding is greater than 20% of the land identified by that relevant authority as being available for future housing.

As relevant authorities have 3 years in which to permission sufficient land to match demand, demand should be assessed over 3 base periods. For this purpose demand is the aggregate number of new entries on Part 1 of the register in that base period and the 2 preceding base periods. For the first 2 years, there will not be 3 base periods so relevant authorities should rely on the current base period and any previous base period (if applicable).

Land availability is the total number of new houses on land in the area of the relevant authority, assessed by that authority as being deliverable in that base period, the 2 preceding base periods, and the 2 subsequent base periods.

Paragraph: 030 Reference ID: 57-030-20170728

Revision date: 28 07 2017

## **If demand for self-build and custom housebuilding in an area is significantly more than 20% of the identified land for housing would the relevant authority be automatically exempt from the ‘duty to grant planning permission etc’?**

No. The first time that a relevant authority determines that the demand on their register is greater than 20% of its future deliverable housing supply, that authority may apply to the Secretary of State for an exemption. The authority is assumed to not be exempt until the Secretary of State has considered the application and written to the relevant authority informing them of the outcome of their application.

When deciding whether to grant an exemption, in order to ensure that an exemption is appropriate, the Secretary of State will consider the level of demand on the register compared with land supply for future housing, and other relevant factors such as whether a local connection test has been considered and how the authority would continue to support self-build and custom housebuilders in their area.

An exemption is only granted in relation to a given base period. At the end of each subsequent base period authorities must calculate demand on their register as a percentage of the deliverability of housing over the next 3 years. If, at the end of any given base period, the demand in that base period, when expressed as a percentage of future land availability, is assessed to be 20% or below, the authority is deemed to no longer be exempt and must inform the Secretary of State that this is the case. For these no longer exempt authorities, should demand as a percentage of future land availability increase to over 20% in subsequent base periods they may again apply for an exemption.

Where a relevant authority has been granted an exemption in respect of a base period, no further application is required in respect of any subsequent base periods provided the demand on their register remains greater than 20% of its future deliverable housing supply, unless the Secretary of State gives notice in writing to the authority that an application is required in respect of any base period.

To help the Secretary of State decide whether to give such notice in writing, the Secretary of State may ask for details and all relevant background information in the current base period.

To ensure that relevant authorities have sufficient time to permission sufficient land, it is expected that the Secretary of State will only direct that an exemption would apply for the base period that follows the base period in which the exemption is granted. This ensures that relevant authorities have the full 3 years in which to permission sufficient land.

Once an exemption has been granted, the Secretary of State would not revoke an exemption, unless there were exceptional circumstances and confidence that the authority could meet its duty to grant planning permission etc within the required 3 years.

Relevant authorities must continue to permission sufficient suitable land to match demand in the base periods prior to being granted an exemption and in subsequent base periods if they are no longer exempt.

Paragraph: 031 Reference ID: 57-031-20210508

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **If an authority is granted an exemption does this apply to all base periods?**

Paragraph removed

Paragraph: 032 Reference ID: 57-032-20210508

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

## **What should exempt relevant authorities do for those on their register?**

A relevant authority that is granted an exemption to the 'duty to grant planning permission etc' must notify any person entered on Part 1 of the register kept by that authority for the base period to which the exemption relates.

If a relevant authority decides to inform everyone on the register that the authority is exempt then the letter should be clear that the exemption is only for the latest base period and that the authority still has a duty to grant planning permissions in line with demand for the earlier base periods.

Relevant authorities that have an exemption from the 'duty to grant planning permissions etc' must still have regard to their register when carrying out their housing, planning, land disposal and regeneration functions.

Paragraph: 033 Reference ID: 57-033-20170728

## **Cost recovery**

### **Can relevant authorities charge fees to those who apply to be entered on or remain on their register?**

Relevant authorities can only set fees on a cost recovery basis. Any fees charged must therefore be proportionate, reflect genuine costs incurred, should not act as a deterrent for people to be entered on or remain on the register and should not be viewed as a mechanism to manage demand. Authorities are advised to provide a transparent rationale for why they are charging, and how charges have been arrived at, and to review this to ensure costs remain proportionate and fair.

To recover their costs of registering an individual or association of individuals, relevant authorities can charge an entry fee to individuals and associations of individuals who apply to be entered on their register. Relevant authorities can charge a different fee to associations than to individuals where they incur a different cost for processing an application from an association of individuals compared with an application from an individual.

To recover their costs incurred when complying with the 'duty to grant planning permission etc', relevant authorities can charge a higher entry fee to those whose entry onto the register counts towards the number of plots of permissioned land required. In most cases this will be people on Part 1 of the register where a relevant authority is not exempt from the 'duty to grant planning permission etc'. As a result it is possible that where relevant authorities have set a local connection test and hence have two parts to the register, the fee charged when someone enters Part 1 of the register may be different to the fee charged to someone being entered on Part 2, which would reflect any additional costs of those on Part 1 contributing to demand and hence the number of sites which must have suitable planning permission granted.

Relevant authorities that are not exempt from the 'duty to grant planning permissions etc' can charge an additional annual fee in following years to those who are entered on Part 1 of their register (or the register if no local connection test has been set and so the register is not divided into two parts) and wish to remain on it.

Paragraph: 034 Reference ID: 57-034-20210208

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

### **Can an exempt authority charge a fee?**

Exemption only applies to specific base periods so relevant authorities may recover their costs for complying with the 'duty to grant planning permission etc' to those who are entered onto the register in a base period which is not exempt even where that authority may be exempt for other base periods.

Authorities cannot apply for an exemption from the duty to hold a register nor to have regard to those on the register when carrying out their planning, housing, land disposal and regeneration functions. Relevant authorities can therefore charge for entering people on a register if they incur genuine costs concerned with processing and maintaining that register.

Paragraph: 035 Reference ID: 57-035-20170728

Revision date: 28 07 2017

### **Can relevant authorities refuse entry on the register to an individual or association of individuals who does not pay the fee?**

One of the eligibility requirements for entry on a self-build and custom housebuilding register is payment of any fee which is required by the authority in relation to the register. Therefore relevant authorities are entitled to refuse an individual or association of individuals entry to their register until they have paid any entry fee set by the authority. Relevant authorities are also entitled to remove an individual or association of individuals from their register in a subsequent base period if they fail to pay any annual fee set by the authority to remain on the register.

Paragraph: 036 Reference ID: 57-036-20170728

Revision date: 28 07 2017

### **If a relevant authority charged a fee and then became exempt from the ‘duty to grant planning permission etc’ would it have to refund the fee to the applicant?**

Paragraph removed

Paragraph: 037 Reference ID: 57-037-20210508

Revision date: 08 02 2021 See previous version

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

Published 1 April 2016

Last updated 8 February 2021 + show all updates

#### **1. 8 February 2021**

Added new paragraphs: 016a, 038 Amended paragraphs: 006, 007, 008, 016, 021, 011, 012, 018, 019, 021, 029, 034, 022, 004, 025, 026, 014, 028, 031 Removed paragraphs: 002, 032, 037

#### **2. 28 July 2017**

Updated guide and added new paragraphs 016 to 037.

#### **3. 1 April 2016**

First published.

[Print this page](#)

### **Related content**

- Claim a VAT refund if you build new houses on a DIY basis

(<https://www.gov.uk/government/publications/vat-refunds-for-diy-housebuilders-claim-form-for-new-houses-vat431nb>)

- Claim a VAT refund on a conversion if you're a DIY housebuilder (<https://www.gov.uk/government/publications/vat-refunds-for-diy-housebuilders-claim-form-and-notes-for-conversions-vat431c>)
- Goods and services you can claim for under the VAT DIY Scheme (<https://www.gov.uk/guidance/goods-and-services-you-can-claim-for-under-the-vat-diy-scheme>)
- VAT Construction (<https://www.gov.uk/hmrc-internal-manuals/vat-construction>)
- Construction services and zero-rated relief (VAT information sheet 07/17) (<https://www.gov.uk/guidance/construction-services-and-zero-rated-relief-vat-information-sheet-0717>)

## **Collection**

- Planning practice guidance (<https://www.gov.uk/government/collections/planning-practice-guidance>)

## **Explore the topic**

- Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

## Appendix AM3

---

Buildstore Demand Data (11 January 2021)





## Gina Day

---

**From:** John Baird <John.Baird@custombuildhomes.co.uk>  
**Sent:** 11 January 2021 10:32  
**To:** Andy Moger  
**Cc:** Mario Wolf; Annie Gingell; Leonie Stoate  
**Subject:** Re: Cheltenham Borough Council Demand Data

Good Morning Andy,

Please find below the number of registrants on our database for the Cheltenham search.

CBH register	PlotSearch Register	Total
228	584	812

Let me know if you have further comments.

Kind Regards

**John Baird**  
Enabling Manager  
[john.baird@custombuildhomes.co.uk](mailto:john.baird@custombuildhomes.co.uk)  
DD: 01506 409 209  
M: 07557 965125



[custombuildhomes.co.uk](http://custombuildhomes.co.uk)  
[enquiries@custombuildhomes.co.uk](mailto:enquiries@custombuildhomes.co.uk)  
0345 2234452  
89 Giles Street, Edinburgh, EH6 6BZ

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorised to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.



## Appendix AM4

---

Cheltenham Borough Council response to the National Custom  
and Self-Build Association Freedom of Information Request  
(7 November 2019)

**From:** Internet-CustomerRelations@cheltenham.gov.uk  
**Sent:** 07 November 2019 09:47  
**To:** bcaadmin@btinternet.com  
**Subject:** RE: Freedom of Information Request  
**Attachments:** 181016 CBC CIL Adoption Statement.pdf; Copy of Reliefs20191104.xlsx

Dear Ms Baddeley-Chappell,

The information the council holds in relation to your request for information is below/attached:

1. How many entries have been added to your register between 31 October 2018 and 30 October 2019?

	Individuals [number]	Groups [number]	Total individuals within Groups [number]
Total	18	0	18
Of which			
Part 1*	18	0	18
Part 2*	-	-	-

2. How many entries are on your register in total as at 30 October 2019?

	Individuals [number]	Groups [number]	Total individuals within Groups [number]
Total	40	0	40
Of which			
Part 1*	40	0	40
Part 2*	-	-	-

3. 30 October 2019 is the date by which you must have ensured that you have permissioned sufficient development plots to match the numbers on your self-build register for the first base period (1 April 2016 to 30 October 2016). Have you met your statutory obligations? **[No]**\*

In respect of your obligations provide details of:

- The number of relevant permissions granted\*\*. **[0]**
- The summary of the analysis that you produced and the policy you adopted in order to determine the suitable permissions. **[We are currently not in a position to monitor self-build permissions separately from residential permissions in general.]**
- The number of relevant entries on your register for this base period. **[If this is referring to 1 April 2016 to 30 October 2016, the answer is 5]**
- The summary of the analysis that you produced and the policy approach that you have used to determine the relevant entries on your register. **[A data field attached to every entry giving the date the request to be entered onto the register was made.]**
- The number of relevant entries on your register as at 30 October 2016. **[5]**.
- An explanation for any difference between (c) and (e).

4. Are you one of the minority to have introduced a local connection test? **[No]**

5. Are you one of the minority to have introduced a financial viability test? **[No]**

6. Are you one of the minority to have implemented a charge for entry onto the register? **[No]**

7. Did you charge a Community Infrastructure Levy (CIL) at any time during the year to 30 October 2019? [yes/no]  
YES

a. If so when was CIL introduced? [date] **1<sup>st</sup> JANUARY 2019 – SEE ADOPTION STATEMENT**

b. If relevant, how many Self Build Exemptions did you issue in relation to individual plots during each of the following periods (note: some self-build may also be exempt as affordable housing):

Period Self-Build Exemptions

1 April to 30 October 2016 **NOT APPLICABLE**

31 October to 30 October 2017 **NOT APPLICABLE**

31 October 2017 to 30 October 2018 **NOT APPLICABLE**

31 October 2018 to 30 October 2019 **EIGHT CONSISTING OF TWO NEW DWELLINGS, FIVE REPLACEMENT DWELLINGS AND ONE CONVERSION NONE AFFORDABLE – SEE SPREADSHEET**

Please note: If you are dissatisfied with the Council's response you have a right of appeal. In the first instance please forward your appeal to Customer Relations, Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham, GL50 9SA or email: [customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk).

Your appeal will be considered and a response sent to you within 20 working days.

If you are still not happy with this decision you have a further right of appeal to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

**Beth Sears**

Customer Relations and Information Officer

Cheltenham Borough Council

Tel: 01242 264350

Email: [customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk)

Website: <http://www.cheltenham.gov.uk>

**Working together** to create a great future for Cheltenham

Follow us on twitter: [www.twitter.com/cheltenhambc](https://www.twitter.com/cheltenhambc)

---

**From:** bcadmin@btinternet.com [mailto:bcadmin@btinternet.com]

**Sent:** 31 October 2019 11:48

**To:** bcadmin@btinternet.com

**Subject:** Freedom of Information Request

## **Freedom of Information Request**

As you may be aware, from 1 April 2016 the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) places a number of obligations on all relevant authorities. These include:

1. To keep a register of individuals and associations of individuals who wish to acquire serviced plots of land to build their own homes in the authority's area and to have regard to those registers in carrying out their planning, housing, land disposal and regeneration functions.
2. To publicise its register.
3. To give suitable development permission in respect of enough serviced plots to meet the demand.

The obligation to give suitable development permissions is determined by reference to individual base periods, the most recent of which ran from 31 October 2018 to 30 October 2019 inclusive. Authorities have been provided with

New Burden money to support this work. 30 October 2019 is also the date whereby planning authorities must have granted suitable development permissions to match the demand on the registers from the first base period (1 April 2016 to 30 October 2016).

I am writing to you on behalf of the National Custom and Self Build Association (NaCSBA) to request the answers to the questions that are set out below. In setting out the data request I have focussed on information of direct relevance to the implementation and required delivery under the Act. The responses should therefore be readily reportable back to us within the £450 / 18 hour limit for a Freedom of Information Request.

1. How many entries have been added to your register between 31 October 2018 and 30 October 2019?

	Individuals [number]	Groups [number]	Total individuals within Groups [number]
Total			
Of which			
Part 1*			
Part 2*			

The split into Part 1 and Part 2 is only relevant where a local connection test is in place (see below)

2. How many entries are on your register in total as at 30 October 2019?

	Individuals [number]	Groups [number]	Total individuals within Groups [number]
Total			
Of which			
Part 1*			
Part 2*			

3. 30 October 2019 is the date by which you must have ensured that you have permissioned sufficient development plots to match the numbers on your self-build register for the first base period (1 April 2016 to 30 October 2016). Have you met your statutory obligations? [yes/no]\*

In respect of your obligations provide details of:

- The number of relevant permissions granted\*\*. [number]
- The summary of the analysis that you produced and the policy you adopted in order to determine the suitable permissions. [free text]
- The number of relevant entries on your register for this base period. [number]
- The summary of the analysis that you produced and the policy approach that you have used to determine the relevant entries on your register. [free text]
- The number of relevant entries on your register as at 30 October 2016. [number].
- An explanation for any difference between (c) and (e).

Please note

\* That we plan to make a further FOI request in early 2020, if we identify that either: (1) you have not maintained records to demonstrate on 30 October 2019 that you have been able meet your statutory obligations, or (2) you have maintained records but have not met your statutory obligations. We will seek details of action plans developed at the point of our next request to address any underperformance.

**\*\* We believe that the numbers of permissions granted needs to be collated from individual planning permissions, and therefore a list of relevant permissions should be available to support the response to 3(a). Please therefore provide this list and ensure that such a list is maintained going forwards.**

4. Are you one of the minority to have introduced a local connection test? [yes/no]
- a. If so, from what date did this apply? [date]
  - b. If so, please supply the supporting documentation (or a link to the documentation) setting out the rationale for introducing the test. [free text]
  - c. If so, please provide supporting documentation (or a link to the documentation) setting out any reviews undertaken post introduction to assess and review the impact of the test. [free text]
5. Are you one of the minority to have introduced a financial viability test? [yes/no]
- a. If so, from what date did this apply? [date]
  - b. If so, please supply the supporting documentation (or a link to the documentation) setting out the rationale for introducing the test. [free text]
  - c. If so, please provide supporting documentation (or a link to the documentation) setting out any reviews undertaken post introduction to assess and review the impact of the test. [free text]
6. Are you one of the minority to have implemented a charge for entry onto the register? [yes/no]
- a. If so, what is the current charge (amount, frequency)? [free text]
  - b. If so, from what date was a charge first applied? [date]
  - c. If so, please supply the supporting documentation (or a link to the documentation) setting out the rationale for introducing the charge, and the basis for the current charge. [free text]
  - d. If so, please provide supporting documentation (or a link to the documentation) setting out any reviews undertaken post introduction to assess and review the charges. [free text]
  - e. If you are one of the very few Councils to impose VAT on the charge; please details supporting the imposition of this charge. [free text]
7. Did you charge a Community Infrastructure Levy (CIL) at any time during the year to 30 October 2019? [yes/no]
- a. If so when was CIL introduced? [date]
  - b. If relevant, how many Self Build Exemptions did you issue in relation to individual plots during each of the following periods (note: some self build may also be exempt as affordable housing):

Period	Self Build Exemptions
1 April to 30 October 2016	
31 October to 30 October 2017	
31 October 2017 to 30 October 2018	
31 October 2018 to 30 October 2019	

Please send your response by email to [bcadmin@btinternet.com](mailto:bcadmin@btinternet.com).

Lisa Baddeley-Chappell  
On behalf of the National Custom and Self Build Association (NaCSBA)

3 Bythebrook  
Chippenham  
Wiltshire  
SN14 6QD

(01249) 650803

This email (and any attachments) is an official Cheltenham Borough Council document. The information in this email and attachments is provided for the intended recipient. If you receive this email in error, please advise the sender by return email and delete the original message from your server. This e-mail is believed to be free of viruses but it is your responsibility to carry out all necessary checks and the council does not accept any liability in connection with it.

The security of any information sent by email to the council cannot be guaranteed. Any information sent to the council may be made available to the public, copied to other council officials or outside agencies in line with legislation and data sharing agreements. Any personal data sent to the council may be used in accordance with the council's Privacy Notices  
[https://www.cheltenham.gov.uk/info/81/how\\_we\\_use\\_your\\_data](https://www.cheltenham.gov.uk/info/81/how_we_use_your_data)

## Appendix AM5

---

Self-Build and Custom Housebuilding Analysis of Joint Core  
Strategy and Cheltenham Plan Allocations





## Cheltenham Borough Council

### Self-Build - Review of JCS and Cheltenham Plan allocations

		Development Plan Position		Application provision					
Document	Policy reference	Site Name	Dwellings allocated	Self-build and custom housebuilding plots allocated	PP reference (where applicable)	Date of decision	Dwellings permitted	No. of Self-build and custom housebuilding plots proposed	Commentary
JCS	A1	Innsworth	2,295	None specified	Innsworth - 15/00749/OUT 1,300 dwellings	21/12/2017	1,300	0	None
JCS	A1	Twigworth		None specified	Twigworth - 15/01149/OUT 725 dwellings	21/12/2017	725	0	None
JCS	A2	South Churchdown	1,100	None specified	16/00738/OUT & 19/00738/APP 465 dwellings	05/03/2020	465	0	None
JCS	A3	North Brockdown	1,500	None specified	12/01256/OUT	31/03/2016	1,500	0	7 Phases Phase 1 (135 dwellings no Self Builds 36 affordable
JCS	A4	North West Cheltenham	4,285	None specified	16/02000/OUT	Awaiting decision	4,115	0	Elms Park
JCS	A5	Ashchurch	0	Employment Land.	Employment Land.	Employment Land.	0	0	Employment Land.
JCS	A6	Winnycroft Lane	620	None specified	14/01063/OUT 18/01141/REM 19/01191/NMA	24/02/2017	420	0	Site location plan covers 2/3 of allocated site
JCS	A7	West Cheltenham	1100	None specified	No applications submitted	No application submitted	0	0	No applications submitted
CP	HD1	Christ College Site B	70	None specified	No applications submitted	No application submitted	0	0	No applications submitted
CP	HD2	Former Monkscroft Primary School	60	None specified	19/01190/OUT	Recommended to grant subject to S106 at September 2019	60	0	Affordable provision - 40% 17 affordable rented, 6 intermediated shared ownership 1 social rented
CP	HD3	Bouncers Lane	20	None specified	No applications submitted	No application submitted	0	0	18/01527/REM Adjacent site RM approved for 54 dwellings (17/00929/OUT) HD3 sits in the middle of this site. (separate ownership) Vacant building credit case submitted.
CP	HD4	Land off Oakhurst Rise	25	None specified	20/00683/OUT	07/09/2020	43	4	Outline application for 43 dwellings 40% affordable 18 units proposed (42%) and 10% self-build and custom housebuilding plots refused - <b>site is subject of this appeal.</b>
CP	HD5	Land at Stone Crescent	20	None specified	18/0215/FUL	21/12/2018	13	0	5 affordable plus commuted sum
CP	HD6	Brockhampton Lane	20	None specified	18/1234/OUT & 19/01998/REM	20/12/2018	17	0	7 affordable dwellings
CP	HD7	Priors Farm Fields	50-90	None specified	17/00011/OUT	26/03/2018	0	0	Application for services road for new crematorium and flood storage areas.
CP	HD8	Old Gloucester Road	175	None specified	17/01411/OUT & 20/00272/REM	01/11/2020	90	0	This application relates to only part of the overall allocated site. Decision notice says up to 90 dwellings, final layout drawing indicates a total of 76 dwellings 31 affordable.
CP	HD9	North Place and Portland Street	143	None specified	No applications submitted	No application submitted	0	0	Permission granted in 2013 for supermarket/car park and 143 dwellings. Car park implemented.
CP	MD1	Lansdown Industrial Estate	Not specified	Not specified	No application submitted - last application on site for COU to units 41a/b	No application submitted	0	0	No application submitted
CP	MD2	Land at Coronation Square	Not specified	Not specified	No application submitted	No application submitted	0	0	No application submitted
CP	MD3	Royal Well and Municipal Offices	Not specified	Not specified	No application submitted	No application submitted	0	0	No application submitted
CP	MD4	Leckhampton	350	None specified	20/01788/FUL	Still under consideration	0	0	140 affordable dwellings. 104 affordable rent 36 shared ownership
<b>Totals</b>			11,783				8,748	4	