

**TOWN AND COUNTRY PLANNING ACT 1990**

**SELF-BUILD AND CUSTOM HOUSEBUILDING STATEMENT OF COMMON  
GROUND**

**SECTION 78 APPEAL**

**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**

**19th February 2021**

**PINS REF: APP/B1065/W/3261154**

**LPA REF: 20/00683/OUT**

**APPELLANT REF: M19/06/06-09.RPT**

## **1.0 Self-Build and Custom Housebuilding**

- 1.1 This appeal delivers 4 self-build and custom housebuilding units (10% of overall units proposed).
- 1.2 The 2017 Joint Core Strategy (JCS) Policy SD11: Housing Mix and Standards, encourages, but does not require, consideration of self-build and custom housebuilding plots as part of an appropriate mix.
- 1.3 The JCS Strategic allocation policies A1, A2, A3, A4, A5, A6 and A7 do not require the provision of self-build and custom housebuilding plots.
- 1.4 The 2020 Cheltenham Plan contains no policies related to provision of self-build and custom housebuilding plots.
- 1.5 The Cheltenham Plan allocation policies, HD1, HD2, HD3, HD4, HD5, HD6, HD7, HD8, HD9 and MD1, MD2, MD3 and MD4 do not require the provision of self-build and custom housebuilding plots.
- 1.6 The Cheltenham Plan was prepared in the context of the requirements of the National Planning Policy Framework, the Planning Practice Guidance and the 2015 Self-Build and Custom Housebuilding Act (as amended).
- 1.7 The emerging JCS Review is at a relatively early stage of development and does not provide a reliable indication of future policy direction in respect of self-build and custom housebuilding.
- 1.8 The provision of self-build and custom housebuilding plots is a key part of the planning system. The demand for this tenure of housing was first detailed in the 2011 Housing Strategy for England. Further support was set out in the Housing White Paper (2017). This support is now enshrined in national policy within the National Planning Policy Framework and the recently revised Planning Practice Guidance.

## **2.0 National Planning Policy and Guidance**

### **National Planning Policy Framework (2019)**

- 2.1 The National Planning Policy Framework (NPPF) was last updated on 19 February 2019 and is a material planning consideration.
- 2.2 The 2019 NPPF sets a strong emphasis on the delivery of sustainable development. Fundamental to the social objective is to *“support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations”* (paragraph 8).

- 2.3 Chapter 5 of the 2019 NPPF focuses on delivering a sufficient supply of homes, in which paragraph 59 confirms the Government’s objective of *“significantly boosting the supply of homes”*.
- 2.4 Paragraph 59 of the 2019 NPPF states that *“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 need of groups with specific housing requirements are addressed”*.
- 2.5 At Paragraph 61 the 2019 NPPF states that *“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including but not limited to...people wishing to commission or build their own homes).”*
- 2.6 Annex 2 of the 2019 NPPF defines Self-Build and Custom-Build Housing 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.”*

### **Planning Practice Guidance**

- 2.7 The Self-Build and Custom Housebuilding Section of the PPG was first published on 1 April 2016 and last updated on 8 February 2021.
- 2.8 The PPG states<sup>1</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.”*
- 2.9 Under the heading of ‘what are the benefits of self-build and custom housebuilding the PPG 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”*.

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<sup>1</sup> Paragraph 016 Reference ID 57-016-20210208

- 2.10 The PPG<sup>2</sup> states that *“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) Assessment to understand and consider future need for this type of housing in their area”* and 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”*.
- 2.11 It also states that<sup>3</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.”*
- 2.12 The PPG states<sup>4</sup> that:
- “Relevant authorities must give suitable development permissions 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.”*
- 2.13 Under the heading of ‘How can Self-Build and Custom Housebuilding needs be assessed’, the ‘Housing Needs of Different Groups’ section of the PPG states<sup>5</sup> that:

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<sup>2</sup> Paragraph 011 Reference ID: 57-011-20210208

<sup>3</sup> Paragraph 012 Reference ID 57-012-20210508

<sup>4</sup> Paragraph 023 Reference ID 578-023-201760728

<sup>5</sup> Housing Needs of Different Groups section, Paragraph 003 Reference ID 67-003-20190722

*“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.”*

### **3.0 2020 Local Housing Needs Assessment**

3.1 The 2020 Local Housing Needs Assessment does not undertake a robust assessment of self-build and custom housebuilding demand within Cheltenham Borough that complies with the Self-Build and Custom Housebuilding Section or the Housing Needs of Different Groups section of the PPG.

### **4.0 Agreement of the Parties**

4.1 The parties agree that the provision of self-build and custom housebuilding plots is a key part of the planning system as set out in the 2019 NPPF and the PPG.

4.2 The parties agree that JCS Policy SD11 encourages, but does not require, consideration of self-build and custom housebuilding as part of an appropriate mix.

4.3 The parties agree that the JCS strategic allocation policies do not require provision of self-build and custom housebuilding plots.

4.4 The parties agree that the Cheltenham Plan does not contain any policies related to the provision of self-build and custom housebuilding plots.

4.5 The parties agree that the Cheltenham Plan was prepared in the context of the 2012 NPPF, the PPG and the 2015 Self-Build and Custom Housebuilding Act (as amended).

4.6 The parties agree that the Council has a Statutory Duty to meet demand arising from its Self-Build Register.

4.7 The parties agree that Section 2(A) of the 2015 Self-Build and Custom Housebuilding Act (as amended) deals with the Statutory Duty.

4.8 The parties agree that Section 2A(2) of the 2015 Self-Build and Custom Housebuilding Act (as amended) states that *“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”*.


- 4.9 The parties agree that Section 2A(6)(a) of the 2015 Self-Build and Custom Housebuilding Act (as amended) states that *“for the purposes of this section – 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 under section 1 kept by the authority.”*
- 4.10 The parties agree that the Council are statutorily required to have addressed demand arising within a Base Period within three years of the end of each respective Base Period under the legislative requirements of the 2015 Self-Build and Custom Housebuilding Act (as amended) and the Self-Build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016.
- 4.11 The parties agree that 10% self-build and custom housebuilding provision is a material consideration weighing in favour of the appeal proposals.
- 4.12 The parties agree that paragraph 60 of the NPPF states that strategic policies should be informed by a local housing need assessment.
- 4.13 The parties agree that paragraph 61 of the NPPF states that within this context the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including but not limited to people wishing to commission or build their own homes.
- 4.14 The parties agree that the PPG recommends that secondary data sources be used to obtain a robust assessment of demand for self-build and custom housebuilding.
- 4.15 The parties agree that the 2020 Local Housing Needs Assessment has not undertaken a robust assessment of demand for self-build and custom housebuilding in line with the recommendations of the PPG.


## **5.0 Matters that remain in dispute**

- 5.1 The weight attributable within the planning balance to the provision of self-build and custom housebuilding serviced plots that accord with the definition in the 2015 Self-Build and Custom Housebuilding Act (as amended) and the NPPF (2019) together with the delivery of serviced plots to meet identified demand.

**Signed on behalf of the LPA:**

**Signed on behalf of the Appellant:**

Signature:.....

.....Signature:  


Name:.....Robin Williams..... Name: Andrew Moger

Date:.....22<sup>nd</sup> February 2021 ..... Date: 19<sup>th</sup> February 2021