

Self-Build & Custom Housebuilding Statement

Land South of Radwinter Road, Swards End

Self-Build and Custom Housebuilding Statement

Outline application for the erection of up to 233 residential dwellings including 93 affordable homes and 7 self-build and custom housebuilding plots

Land South of Radwinter Road, Swards End

Rosconn Strategic Land

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Introduction

Section 1

- 1.1 **Tetlow King Planning** are instructed by **Rosconn Strategic Land** to examine the self-build & custom housebuilding sector within Uttlesford District in relation to the proposed development of up to 233 dwellings including 93 affordable homes (40%) and 7 serviced plots for self-build and custom housebuilding (5%) at land south of Radwinter Road, Swards End.
- 1.2 This Statement includes an overview of Development Plan policies and other material considerations that are relevant to the appeal site and comprises the following sections:
- Section 2 considers demand for Self-Build & Custom Housebuilding in Uttlesford,
 - Section 3 assesses the supply of Self-Build & Custom Housebuilding in Uttlesford and analyses the council's performance against its Statutory Duty contained within the 2015 Self-Build and Custom Housebuilding Act (as amended).
 - Section 4 provides our summary and conclusions.

Demand for Self-Build and Custom Housebuilding in Uttlesford

Section 2

- 2.1 Central Government has been consistent in seeking to boost the supply of Self-Build and Custom Housebuilding from as far back as the 2011 Housing Strategy for England and it is clear that there is national demand for this type of housing.
- 2.2 The requirement to deliver Self-Build and Custom Build homes is now enshrined in national policy through both the NPPF (2021) and the PPG with the latter detailing that local authorities undertake a robust assessment of demand utilising secondary data sources.
- 2.3 Local authorities are statutorily required to address this demand through granting sufficient development consents to meet the demand for Self-Build and Custom Housebuilding arising from their Right to Build Register within their administrative area.

Self-Build & Custom Housebuilding Policy

- 2.4 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan

- 2.5 The Development Plan for Uttlesford District currently comprises the Uttlesford Local Plan 2005. There are no policies specifically relating to Self-Build and Custom Housebuilding within this plan.

Other Material Considerations

- 2.6 The emerging new Uttlesford Local Plan is currently at a very early stage in its development. The first "Issues & Options" stage was conducted in 2020/21 as a series of extensive consultations with the community and other stakeholders. Tetlow King understands that the Council intends to publish a Regulation 18 draft of the plan for consultation in early November 2022.

- 2.7 Other additional material considerations include the National Planning Policy Framework (2021), the Planning Practice Guidance (on going updates), the 2015 Self-Build and Custom Housebuilding Act (as amended), the Self-Build and Custom Housebuilding (Time for Compliance and Fees) Regulations (2016) and the 'Bacon' Review (2021).

Housing Market Assessments

West Essex and East Hertfordshire Strategic Housing Market Assessment (2015)

- 2.8 The 2015 Strategic Housing Market Assessment (SHMA) covered Uttlesford District, together with East Hertfordshire, Epping Forest and Harlow.
- 2.9 An affordable housing update to this report was published in 2017 and a further update, entitled '**Updating Overall Housing Need using the 2018-based projections**', was issued in September 2020.
- 2.10 The SHMA does make reference to self-build and custom housebuilding, however it does not contain any assessment of likely future needs.
- 2.11 At paragraph 6.43 it states that:

'A survey to ascertain levels of demand for self-build could be undertaken in future; however it would be important to ensure that appropriate questions are designed that can effectively separate aspiration from effective market demand.'

Housing for New Communities in Uttlesford and Braintree (2020)

- 2.12 The study forms part of the evidence base to the emerging Plan. Section 7.8 deals with Custom and Self-Build and Community Led Housing and explains that "*housing delivered through custom and self-build can be at least 10% cheaper than standard market housing and affordability is a significant factor for many people*".
- 2.13 This section of the study (p62) goes on to set out that "*Uttlesford and Braintree both have a significant number of households on their Custom and Self-Build Registers*".

The Self-Build Register in Uttlesford

- 2.14 The Self-Build and Custom Housebuilding Act 2015 required Councils 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 legislation¹ placed further duties on

¹ Through the Housing and Planning Act (2016)

local authorities requiring them to grant sufficient development permissions for serviced plots of land to meet the demand arising from their Self-Build Register.

- 2.15 Data returns by Uttlesford District Council (**Appendix 1**) to the Department for Levelling Up, Housing & Communities (DLUHC) provide a picture of the Council's Self-Build Register numbers. Figure 2.1 below 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.
- 2.16 Cumulatively the Council's data returns to DLUHC identify 238 entries (none of which are associations of individuals) on the Self-Build Register. The Council's data returns for the year 2020/21 state that as of 30 October 2021 there were 160 individuals and 1 association of individuals on the Self-Build Register, which suggests either a discrepancy in the monitoring figures or a significant number of removals from the register. It does not state when the single association of individuals joined the register.
- 2.17 The Council's 'Self-build and Custom Housebuilding: Progress Report' published in December 2021, however, tells a slightly different story. It identifies that there were 240 entries added to the Self-Build Register in the period from the inception of the register to 30 October 2021, with the figures for the first three Base Periods differing marginally.
- 2.18 The Council's response to the FOI Request, received on 28 July 2022, also offers a slightly different set of data for entries to the Self-Build Register, which closely resembles but does not match the returns to DLUHC or the Progress Report. In total, according to the FOI response, a total of 237 entries were added to the self-build register from its inception, which the FOI response identifies as being 05 February 2015.

Figure 2.1: Uttlesford Council Self-Build Register

Base Period	No. of Individuals	No. of Associations of Individuals	No. of Individuals	No. of Associations of Individuals	No. of Individuals	No. of Associations of Individuals	Date by which demand must be met
	DLUHC		Progress Report		FOI Response		
1 (05/02/15 – 30/10/16)	85	0	87	0	86	1	30 Oct 2019
2 (31/10/16 - 30/10/17)	74	0	71	1	73	0	30 Oct 2020
3 (31/10/17 - 30/10/18)	42	0	44	0	41	0	30 Oct 2021
4 (31/10/18 - 30/10/19)	22	0	22	0	23	0	30 Oct 2022
5 (31/10/19 - 30/10/20)	5	0	5	0	3	0	30 Oct 2023
6 (31/10/20 - 30/10/21)	10	0	8*	0	10	0	30 Oct 2024
Totals	238	0	239	1	236	1	

* Register split (Part 1 – 8 Individuals; Part 2 – 2 Individuals)

Source: Data Returns to DLUHC (May 2022); Uttlesford Self-Build and Custom Housebuilding: progress Report (December 2021); Freedom of Information Response to TKP (28/07/22)

Suppression of Self-Build Register Demand in Uttlesford

- 2.19 The Council's Progress Report indicates that 57 entries were added to the register prior to Base Period 1 and prior to requirement to hold a Self-Build Register from 1 April 2016 and suggests that there is no duty upon the Council to permission suitable plots for the entries added prior to 1 April 2016.
- 2.20 The Council's reasoning for this is unclear, however at no point in the Self-Build and Custom Housebuilding Act 2015 (as amended) is provision made for such an approach.

- 2.21 In fact, Section 2A(4)(a) and (b) of the 2015 Act (as amended) clearly state that the first base period is the period:
- a) *beginning with the day on which the register under section 1 kept by the authority is established, and*
 - b) *ending with the day before the day on which section 10 of the Housing and Planning Act 2016 comes into force.*
- 2.22 As such, it is unequivocal that the number of entries to the Register against which the statutory duty should be measured in Base Period 1 is 87 entries as stipulated by the primary legislation.
- 2.23 Uttlesford introduced a Local Connection test during the fourth base period (in December 2020) with the Progress Report stating that *'the register will be split into two parts from then on'*.
- 2.24 The PPG, under the heading of 'what local eligibility tests can a relevant authority set' explains that *'we expect that relevant authorities will apply one or both of these tests only where they have a strong justification for doing so'*.
- 2.25 It goes on to explain that *'authorities are advised to ensure that they provide clear information to individuals and groups on the rationale underpinning local eligibility tests'* and that *'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'*.
- 2.26 The self-build and custom housebuilding page of the council's website does not contain any information in relation to whether the Council consulted upon the introduction of a local connection test prior to its implementation, or what the strong justification for introducing such a test was, and nor do they contain any information on the rationale underpinning the local eligibility test.
- 2.27 The website does state that *'the register in December 2021 is split into Part 1 and Part 2'*, however, the Progress Report shows the split for each monitoring period since April 2016, which indicates that the Council are attempting to apply the Local Connection test retrospectively rather than from the point of its introduction as stated in the Council's own Progress Report.

Summary of Self-Build Register Demand

- 2.28 Despite the Council's apparent attempts to suppress demand on its Self-Build Register, available information demonstrates that there remains a high level of demand within Uttlesford.
- 2.29 Although a 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.
- 2.30 Tetlow King Planning consider that 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. Tetlow King consider that the numbers on the Self-Build Register can therefore be a significant under-representation of latent demand.
- 2.31 The PPG 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 to achieve a robust assessment of demand.

Secondary Data Sources

Buildstore

- 2.32 The Demand Assessment by Custom Build Homes² (**Appendix 2**) illustrates that there are 2,342 people on the wider Buildstore Group database who are looking for an opportunity to build or commission their own home in Uttlesford District.
- 2.33 Within Ashdon ward itself - where the site is located - the Demand Assessment shows that there were 296 people seeking an opportunity to build or commission their own home, equivalent to 13% of the entire District-wide demand.
- 2.34 Whilst there is likely to be some people who are registered on more than one of the plot search facilities and who may also be on the Council's Self-Build Register, the figures on both the Council's Self-Build Register and those on the Buildstore Plot-Search and Custom Build Register platforms indicate that there is a substantial level of demand within Uttlesford District and within Ashdon ward.

² The enabling arm of the Buildstore Group who hold the largest database of self and custom builders in the country and operate the market leading plot search platform

Ipsos Mori and NaCSBA Polling

- 2.35 In addition, other data sources suggest that the actual demand for Self-Build and Custom Housebuilding development plots may be higher than indicated by the Council's Self-Build Register including Ipsos Mori statistics and ONS population estimates.
- 2.36 The Ipsos Mori statistics commissioned by NaCSBA have consistently shown³ that 1 in 50 of the adult population want to purchase a Self-Build or Custom Build home over the next 12 months.
- 2.37 When taking into account Uttlesford District adult population⁴ (74,402⁵ based on ONS data) it is estimated that as many as 1,488 people from the district may be interested in building their own home across Uttlesford in the foreseeable future.

³ 2013, 2014, 2015, 2016 and 2020 surveys of 2,000 people aged 15+ with survey data weighted to the known population profile

⁴ Those aged 16 and over

⁵ Based on ONS population estimates by local authority based by single year of age [extracted from NOMIS 14 July 2022]

Supply of Self-Build & Custom Housebuilding in Uttlesford

Section 3

Past Delivery of Self-Build and Custom Housebuilding in Uttlesford District

Data monitoring returns to Department for Levelling Up, Housing & Communities

3.1 Data returns by Uttlesford to the DLUHC show that the Council considered it had consented suitable development permissions as follows:

- 31/10/16 to 30/10/17: 22 plots
- 31/10/17 to 30/10/18: 0 plots
- 31/10/18 to 30/10/19: 5 plots
- 31/10/19 to 30/10/20: 54 plots
- 31/10/20 to 30/10/21: 122 plots

3.2 In total, it is the Council's contention in these monitoring returns that they have consented 203 plots between 31 October 2016 and 30 October 2021, averaging 41 plots per annum. Notably the vast majority of these plots appear to have been consented in the period since 31 October 2019.

3.3 It is apparent that in the period leading up to 30 October 2019, the Council counted only plots which included Self-Build or Custom Build in the application description when providing monitoring returns to the DLUHC. Yet from 31 October the Council inexplicably started counting all single dwelling permissions as well.

3.4 This change in approach, which is not compliant with the legislation as will be explained later in this section, explains the sudden apparent upturn in the supply of Self-Build and Custom Housebuilding plots.

Self-build and Custom Housebuilding: Progress Report (December 2021)

3.5 Uttlesford District Council publishes a Self-Build and Custom Housebuilding Progress Report annually. The latest report was published in December 2021 for monitoring Base Periods 1, 2 & 3.

3.6 The report contends that the Council has met (and exceeded) demand for Base Periods 1, 2 and 3 via the granting of suitable planning permissions for self-build and custom housebuilding and single dwelling permissions.

3.7 At Table 2 in the Council's Progress Report, it sets out that the Council considers it had consented suitable development permissions as summarised in Figure 3.1 below.

Figure 3.1: The Council's position on the availability of suitable serviced plots to meet demand (according to Progress Report)

	Self-build/Custom build in the application description	Single dwelling permissions	Total
31/10/16 – 30/10/17	29	187	216
31/10/17 – 30/10/18	5	151	156
31/10/18 – 30/10/19	9	151	160
31/10/19– 30/10/20	3	51	54
31/10/20 – 30/10/21	1	121	122
TOTAL	47	661	708

Source: Uttlesford Self-Build and Custom Housebuilding: progress Report (December 2021)

3.8 As is clear from figure 3.1 above, the council count both applications with Self-Build or Custom Build in the application description and, separately to this, all single dwelling permissions. The fact that the Council separates these out suggests an element of uncertainty on their part on the robustness of relying upon single dwelling permissions.

3.9 This Council attempts to justify this approach at paragraph 5.1 of their Progress Report, where it states:

'The Self-Build and Custom Housebuilding legislation does not provide any details on how local authorities should record 'suitable development permissions. In the absence of guidance, the Council considers that only single dwelling plots are the most likely to come forward as self-build or custom-build projects. Planning permissions for this type

of development could therefore be 'suitable' for the legislation. This does not mean, or require, that they are delivered as self-build or custom-build homes (and not all will be).'

- 3.10 However, at Section 1(A1) and 1(A2) of the Self-Build and Custom Housebuilding Act (as amended) it explains the definitions of what constitutes self-build and custom housebuilding as being as follows:

(A1) In this Act "self-build and custom housebuilding" means the building or completion by—

(a) individuals,

(b) associations of individuals, or

(c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.

(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."

- 3.11 Therefore, for a permission to be considered 'suitable' it must fit with the definitions in the Act (as amended) set out above.

- 3.12 Furthermore, it is incorrect for the Council to refer to the '*absence of guidance*' at paragraph 5.1 of their Progress Report, because guidance does in fact exist within the Self-Build and Custom Housebuilding section of the PPG at Paragraph 038 which provides 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*'.

- 3.13 It is important to recognise that, in order for a plot to be counted as Self-Build or Custom Housebuilding the PPG makes abundantly clear that:

'A relevant authority must be satisfied that development permissions being counted meet the legislative requirements' (emphasis added).

- 3.14 The examples cited within the PPG as to what may constitute a suitable development permission that such an assessment should be measured against are:

- *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.*
- 3.15 Simply counting all single dwelling permissions without any further interrogation of such applications against paragraph 038 of the PPG plainly cannot be considered to meet the legislative requirements and the Council cannot possibly be satisfied that such permissions meet the definitions without further interrogation.
- 3.16 For example, Landowner A could obtain a full planning permission and then sell their land with the benefit of planning permission to Purchaser B who then builds the permission out and lives in the home. Such a scenario fails the test at Section 1(A2) of the 2015 Act (as amended) as Purchaser B will be building a house on a plot acquired from a person and building it wholly or mainly to plans or specifications decided or offered by that person (Landowner A).
- 3.17 Counting all single dwelling permissions without further interrogation of the application material for each of these means that the Council cannot possibly be satisfied that any of the single dwelling permissions being counted meet the legislative requirements.
- 3.18 This is reinforced by the Self-Build and Custom Housebuilding Section of the PPG where at paragraph 016 it is clear 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”* and that *“off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, and not considered to meet the definition of self-build and custom housing”*.
- 3.19 Given the above it is indisputable that the council's approach of counting all single dwelling permissions towards their supply of 'suitable serviced plots' is not compliant with the primary legislation or the PPG, and as such cannot be a robust approach to monitoring suitable permissions.
- 3.20 Resultantly, only the serviced plots which the Progress Report identifies as having 'Self-build/Custom build in the application description' should be counted in line with the legislation and PPG. As such, the supply of Self-Build and Custom Housebuilding plots in the period between 31 October 2016 to 30 October 2021 would be 47 plots as opposed to the 708 plots claimed by the Council.

- 3.21 The Councils approach to include all single dwelling permissions results in an artificial inflation of supply by around 1,400%.
- 3.22 In addition to counting single dwelling permissions for which there is no evidence whatsoever that they will be delivered as self-build or custom housebuilding, the Council's Progress Report also double counts (and even triple counts) permissions across multiple Base Periods as follows:
- For Base Period 1, permissions approved in the three years between 31 October 2016 and 30 October 2019 are all counted, as per the legislation.
 - For base Period 2, Permissions between 31 October 2017 and 30 October 2019 are counted again, along with permissions approved up to 30 October 2020.
 - For Base Period 3 Permissions between 31 October 2018 and 30 October 2019 are counted for a third time, along with permissions up to 30 October 2021.
- 3.23 The plots approved between 31 October 2018 and 3 October 2019 are somehow each expected to meet the needs of three different entrants on the Self Build Register. Not only is this illogical but it is clearly contrary to the legislation within the 2015 Act (as amended) at Section 2A(7) which states:
- “(7) A grant of development permission in relation to a particular plot of land may not be taken into account in relation to more than one base period in determining whether the duty in this section is discharged.”*
- 3.24 Indeed, adding up the totals of Base Periods 1, 2 and 3 using the Council's double (and triple) counting method gives a total supply figure of 1,238. Since the Council themselves claim to have permissioned 708 units in that timeframe, not only does this approach look absurd but it shows that the Council are attempting to boost their already overinflated supply by a further 75% through this approach to monitoring.
- 3.25 This is a manifestly inappropriate approach and does nothing to boost the supply of actual self-build and custom housebuilding permissions to meet the substantial demand that exists within Uttlesford.

Freedom of Information Request

- 3.26 Tetlow King Planning submitted an FOI request seeking a range of information relating to the self-build register to which the council responded on 28 July 2022. In their response the council provided 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 Base Periods 1–6.

- 3.27 The response included a list of permissions that the Council considered should be counted toward their supply of Self-Build and Custom Housebuilding for the purposes of meeting their statutory duty,
- 3.28 The list includes two applications (**UTT/14/0472/OP** and **UTT/16/1031/FUL**) which were approved prior to 31 October 2016, meaning they fail the Self-Build and Custom Housebuilding (Time for Compliance and Fees Regulations) 2016. These two applications therefore constitute 24 units which cannot be counted towards the Council's statutory duty performance.
- 3.29 In addition, the list includes one application for 4 units (**UTT/18/2899/FUL**), that was **refused** permission by the Council.
- 3.30 The FOI, therefore, identifies 26 units approved between 31 October 2016 and 30 October 2021 that appear to meet the legislative definition of Self-Build or Custom Housebuilding.

Figure 3.2: Suitable serviced plots to meet demand (according to FOI Response)

Monitoring Period	No Units	Application References (No. units)
Pre 30/10/16	24	UTT/14/0472/OP (22) UTT/16/1031/FUL (2)
31/10/16 to 30/10/17	4	UTT/17/1967/FUL (4)
31/10/17 to 30/10/18	4	UTT/17/3690/OP (2) UTT/18/0771/FUL (1) UTT/18/1990/OP (1)
31/10/18 to 30/10/19	6	UTT/18/2939/FUL (1) UTT/18/2847/OP (2) UTT/19/0904/OP (3) UTT/18/2899/FUL (4)
31/10/19 to 30/10/20	12	UTT/19/0393/OP (12)
31/10/20 to 30/10/21	0	N/A
TOTAL	26	

Source: FOI Response (28 July 2022)

Meeting the statutory duty to have regard to the register

- 3.31 When permissions for which there is no evidence that *'the initial owner of the homes will have primary input into its final design and layout'* are removed, permissions which fail the Regulations by virtue of their approval date are discounted, and when all instances of double counting and triple counting are also removed, the supply of Self-Build and Custom-Housebuilding plots in Uttlesford District reduces considerably as shown at figure 3.3.

Figure 3.3: Supply of Self-Build and Custom House building Permissions with Evidence (FOI)

Monitoring Period	Self-build/Custom build in the application description
31/10/16 to 30/10/17	4
31/10/17 to 30/10/18	4
31/10/18 to 30/10/19	6
31/10/19 to 30/10/20	12
31/10/20 to 30/10/21	0
TOTAL	26

Source: FOI Response (28 July 2022)

- 3.32 Compared to the figure of 708 plots the Council are claiming over the period 31 October 2016 to 30 October 2021, just 4% (26 plots) are considered likely to actually meet the legislative definition of what constitutes self-build and custom housebuilding.
- 3.33 Furthermore, when compared with the double/triple counting method employed by the Council, the actual, legislative-compliant supply figure is just 2% of what the Council claims supply to be.

Assessment of Statutory Duty Performance

- 3.34 The Self-Build and Custom Housebuilding Act (as amended) and the Self-Build and Custom Housebuilding section of 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.

- 3.35 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 (which can be before 1 April 2016) and ends on 30 October, with subsequent Base Periods running from 31 October one year to 30 October the next year.
- 3.36 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.
- 3.37 It should be noted that the way the Progress Report calculates the Council's performance against the Statutory Duty is not compliant with the legislation given the table adds the demand from the first three Base Periods together and then considers overall supply over the same period. The demand for each Base Period should be considered individually, and the supply over the next three years (after the end of the Base Period in question) then compared to the demand to determine whether the Statutory Duty has been met for each respective base period.
- 3.38 Figure 3.4 below compares the number of entries joining the register in each Base Period with the number of Self-Build and Custom Housebuilding plots granted planning permission. The Council have provided three slightly differing sets of figures for the numbers on their Self-Build Register. For this exercise we have utilised the figures that were most recently obtained and considered the most robust – those contained within the FOI response.
- 3.39 The Council has three years to permission sufficient plots to satisfy the numbers on the register in a Base Period. As such, the council had until 30 October 2019 to permission enough plots to satisfy the demand in Base Period 1.
- 3.40 The table clearly demonstrates that the Council failed to meet their statutory duty to those wishing to build their own home for all three Base Periods which are completed thus far.
- 3.41 It would be necessary for the Council to approve 198 plots for Self-Build and/or Custom Housebuilding in the short period between now and 30 October 2022 for the Council to address the existing shortfall in serviced plots across Base Periods 1, 2 and 3 and to meet demand for Base Period 4 in order for the statutory duty to be met – the Council appear to be on track to fail their statutory duty for the fourth consecutive year running.

Figure 3.4: Analysis of Performance against Statutory Duty

Base Period	Start and Finish Dates	No. of Entrants joining the Register	Date by which permission must be granted	No. Plots permitted	Met Base Period need?	Cumulative Surplus/ Shortfall
1	1 January 2015 to 30 October 2016	87	30 October 2019	14	NO	-73
2	31 October 2016 to 30 October 2017	73	30 October 2020	12	NO	-134
3	31 October 2017 to 30 October 2018	41	30 October 2021	0	NO	-175
4	31 October 2018 to 30 October 2019	23	30 October 2022	0	-	-198
5	31 October 2019 to 30 October 2020	3	30 October 2023	0	-	-201
6	31 October 2020 to 30 October 2021	8*	30 October 2024	0	-	-209
TOTAL		238		26		

* Local Connection Test Introduced – 2 entrants placed on Part 2 of the Register to whom the Council do not have a duty to provide a plot

Source: FOI Response (28 July 2022)

Future Supply

- 3.42 The adopted Development Plan pre-dates the Self-Build and Custom Housebuilding legislation and contains no policies which seek to meet the needs of those wishing to build their own home.
- 3.43 The Emerging New Local Plan (2020-2040) is at a very early stage in its development and has yet to be tested at examination. As such the weight it attracts in the decision-making process must be reduced accordingly.
- 3.44 Central Government have been clear in their objective to boost significantly Self-Build and Custom Housebuilding delivery since at least 2011, and it is not clear how Uttlesford intend to achieve this anytime soon.

- 3.45 Given that, in their most successful year⁶, Uttlesford District Council permitted a total of 14 plots for Self-Build and Custom Housebuilding, it seems extremely unlikely that the council will permission sufficient serviced plots to meet the 198-plot shortfall that will exist by 30 October 2022 and satisfy the Statutory Duty unless urgent action is taken.

⁶ Between 31 October 2016 and 30 October 2017

Summary and Conclusions

Section 4

Summary

- 4.1 Tetlow King Planning's assessment of the sites upon which the Council relies found that this is an authority that has continually failed to meet self-build and custom housebuilding demand.
- 4.2 Uttlesford has failed its statutory duty for Base Periods 1, 2 and 3, and appears on course to fail their duty for Base Period 4 too - which would result in a substantial cumulative shortfall of 198 plots compared to register demand. This is before even beginning to consider the scale of demand identified by secondary data sources.
- 4.3 The evidence suggests that rather than attempt to meet demand from those wishing to build or commission their own home by approving applications for Self-Build and Custom Housebuilding, instead the Council have sought to suppress register numbers and artificially boost supply by around 1,400%.
- 4.4 There is no clear strategy in the district to meet this demand, and sites such as the appeal site - which provides serviced plots secured by legal agreement - are necessary to address current and future demand and begin to address the substantial shortfall that has arisen.
- 4.5 The evidence shows that there is a substantial unmet demand for Self-Build and Custom Housebuilding plots within Uttlesford. If the Council were to address the shortfall arising from Base Periods 1, 2 and 3 and address Base Period 4 demand by 30 October 2022 to meet the statutory duty, then this would require a minimum of 198 plots to be permissioned within the next two months.

Conclusion

- 4.6 In light of the combination of the lack of an effective adopted policy position relating to the delivery of self-build and custom housebuilding within Uttlesford, the demonstrable statutory duty failure across the first three Base Periods (and pending failure for the fourth), and the level of demand demonstrated by both primary and secondary data sources, Tetlow King Planning consider that nothing less than **substantial weight**

should be attributed to the provision of seven serviced plots for self-build and custom housebuilding through the appeal proposals within the planning balance.

Appendix 1

Uttlesford Data Returns on Self-Build Register Monitoring to the
Department for Levelling Up, Housing and Communities
(6 May 2022)

2016 Right to Build Register Monitoring

		Register numbers at the end of the first base period, at 30 October 2016		
ONS code	Local Planning Authority	Individuals	Groups	Combined
E07000077	Uttlesford	85	0	85

2016-17 Right to Build Register Monitoring

ONS code	Local planning authority	1. How many entries on your register in the second base period, 31 October 2016 to 30 October 2017?		2. How many entries on your register in total (i.e. base period 1 plus base period 2?)		3. How many planning permissions for serviced plots suitable for self and custom build have been granted to 30 October 2017?
		a. individual	b. group	a. individual	b. group	
E07000077	Uttlesford	74	0	134	0	22

2017-18 Right to Build Register Monitoring

ONS code	Local planning authority	1. How many entries on your register in the third base period, 31 October 2017 to 30 October 2018?	2. How many entries on your register in total (i.e. base periods 1, 2 and 3)?	3. How many planning permissions for serviced plots suitable for self and custom build have been granted between 31 October 2017 and 30 October 2018?	4. Have you introduced a local connection test?	4 a. If so, from what date did this apply?	4 b. How many individuals on Part 1 of the register?	4 c. How many groups on Part 1 of the register?	4 d. How many individuals on Part 2 of the register?	4 e. How many groups on Part 2 of the register?
		a. Individual	b. group	a. individual	b.group					
E07000077	Uttlesford	42	0	203	0	0	no			

2018-19 Right

		1. How many entries on your register in the fourth base period, 31 October 2018 - 30 October 2019?		2. How many entries on your register in total (i.e. base period 1 plus base periods 2, 3 and 4)?		3. How many planning permissions for serviced plots suitable for self and custom build have been granted between 31 October 2018 and 30 October 2019		4. Have you introduced a local connection test?		4 a. If so, from what date did this apply?		4 b. How many individuals on Part 1 of the register?		4 c. How many individuals on Part 2 of the register?	
ONS code	Local planning authority	a. Individual		b. Group								i. individuals		ii. groups	
E07000077	Uttlesford	22	0	30	0	5	no								

2019-20 Right to Build Register Monitoring

		1. How many entries on your register in the fifth base period, 31 October 2019 - 30 October 2020?		2. How many entries on your register in total (i.e. base period 1 plus base periods 2, 3, 4 and 5)?		3. How many planning permissions for serviced plots suitable for self and custom build have been granted between 31 October 2019 and 30 October 2020?	4. Have you introduced a local connection test?	4 a. If so, from what date did this apply?	4 b. How many individuals on Part 1 of the register?		4 c. How many individuals on Part 2 of the register?	
ONS code	Local planning authority	a. Individual	b. Group	a. Individual	b. Group				i. individuals	ii. groups	i. individuals	ii. groups
E07000077	Uttlesford	5	0	182	1	54	yes	02/12/2020	67	0	105	1

2020-21 Right to Build Register Monitoring

		1. How many entries on your register in the sixth base period, 31 October 2020 - 30 October 2021?	2. How many entries on your register in total (i.e. base period 1 plus base periods 2, 3, 4, 5 and 6)?		3. How many planning permissions for serviced plots suitable for self and custom build have been granted between 31 October 2020 and 30 October 2021?	4. Have you introduced a local connection test?	4 a. If so, from what date did this apply?	4 b. How many individuals on Part 1 of the register?	4 c. How many individuals on Part 2 of the register?			
ONS code	Local planning authority	a. Individual	b. Group	a. Individual	b. Group			i. individuals	ii. groups	i. individuals	ii. groups	
E07000077	Uttlesford	10	0	160	1	122	yes	08/12/2020	70	0	105	1

Appendix 2

Buildstore Demand Data (19 July 2022)



Demand for Custom Build Housing

Request for Data
July 2022



Request for data

Enquiry from:	Tetlow King Planning
Date:	19/07/22
Site or area related to request:	Uttlesford District
Postcode:	Various
Local Planning Authority:	Uttlesford District

Custom Build Homes

Custom Build Homes is the UK's only national enabler of Custom Build housing. We offer an all encompassing service that supports landowners, developers and an increasing number of local authorities within the emerging custom build housing sector and have access to the UK's largest database of custom build housing demand.

We have strong links to the Government supported Right to Build Task Force and provide expertise and guidance to our clients across every aspect of the development journey from architecture and planning to sales and construction.

As we are part of the BuildStore Group (BuildStore Ltd), we also draw on the UK's leading providers of specialist finance knowledge and products to ensure that our enabling service is of the highest possible standard and maximises benefits to our landowner clients and customers.

Demand in your area

To support the preparation of this Demand Data Request, Custom Build Homes ran an initial report to determine the number of people registered on our databases who are looking for custom and self-build opportunities within a commutable distance of the proposed development site.

The results indicate the following level of demand.

Area	Custom Build Homes	PlotSearch	Total demand
Within area of provided postcodes	507	1,835	2,342

How is our data recorded?

The data used to prepare this Demand Data Request has been provided from the BuildStore Group, either directly through its PlotSearch portal or via its subsidiary Custom Build Homes, which captures data through these websites. This data comprises private individuals who are presently registered on the Group's Custom Build and PlotSearch registers as wanting to build their home in the post code area to which the data relates. Duplications are removed unless the individual has registered their interest in different projects, such as multi-unit sites. This is to ensure individuals have maximum opportunity to find a plot for their home building project.

The data held includes personal information, contact information and where people wish to build their own homes. It also captures many other data sets relating to individual housing preference, homeownership, employment status, number of occupants planned to live in the homes and projected budget for a custom or self-build home.

The benefits and vetting of registering

Individuals who register with these databases are required to complete an application form in the form of a questionnaire. When they register they receive the benefit of regular updates on upcoming opportunities as well as tips and tricks from Custom Build Homes and BuildStore expertise. This can include advice relating to mortgage and finance, planning, design, or similar areas of interest, all creating value for the customer, increasing their knowledge on the process and building excitement for their own project.

While it is not possible to individually qualify every person that registers with these databases to prove the seriousness of their registration, the registration process requires them to answer a series of detailed questions. Therefore, it can be assumed that those who are not genuinely interested will not waste time providing detailed information to complete their registration. Given the comprehensiveness of the questionnaire and fact that individuals benefit from being on the register, it can be assumed that the dataset reflects a more accurate measure of demand when compared to local authority registers which are typically not promoted, offer no specific benefit to registrants and are often subject to local eligibility criteria.

How important is this data?

Under the Self-build and Custom Housebuilding Act 2015 (amended by the Housing and Planning Act 2016) all 'relevant authorities' in England have a legal duty to keep a register of individuals and associations of individuals 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. Unless exempt, they also have a legal duty to grant sufficient 'development permissions' to meet the demand for Self-build and Custom Housebuilding in their area on an annual basis.

These duties are complemented by the revised National Planning Policy Framework (NPPF) which asks that local planning authorities plan for the needs of different groups with specific housing requirements as part of their overall housing need and that land with permission is developed without unnecessary delay. The need to plan for people wishing to commission or build their own homes is specifically recognised in this context (NPPF, Paragraph 61).

Practice has shown that local demand registers only provide a short-term, supply-led, picture because they rely on people knowing about the register and then registering their interest. Given its 'opt-in' nature and high dependency on publicity, promotion, registration fees and eligibility criteria being applied, a local register cannot predict longer-term demand for plots in an area. Indeed, the lack of local awareness of local registers was underlined by a national survey in 2016 (Ipsos Mori poll) which

indicated that 8 out of 10 people are unaware that councils keep a register, this is also increasingly recognised in planning appeals.

In this context, the Government's Planning Practice Guidance advises that local planning authorities should use the demand data from the register, supported as necessary by additional data from secondary sources and other wider market signals, when planning for the delivery of a sufficient supply of homes.

The aforementioned data should in this context therefore be an important material consideration to take into account when considering development proposals.



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Demand for Custom Build Housing

Request for Data
July 2022



Request for data

Enquiry from:	Tetlow King Planning
Date:	19/07/22
Site or area related to request:	Ashdon Ward
Postcode:	Various
Local Planning Authority:	Uttlesford District

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The results indicate the following level of demand.

Area	Custom Build Homes	PlotSearch	Total demand
Within area of provided postcodes	63	233	296

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Appendix 3

Freedom of Information Response – FOI 22-382 (28 July 2022)



Subject: Freedom of Information Request – Reference No: 22-382

Thank you for your request for information, which has been considered and actioned under the Freedom of Information Act 2000. The information you requested is shown below:

1. The number of individuals that joined 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):

Answer:

Base Period	Part 1	Part 2
a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)	47	39
b. Base Period 2 (31 October 2016 to 30 October 2017)	28	45
c. Base Period 3 (31 October 2017 to 30 October 2018)	12	29
d. Base Period 4 (31 October 2018 to 30 October 2019)	13	10
e. Base Period 5 (31 October 2019 to 30 October 2020)	2	1
f. Base Period 6 (31 October 2020 to 30 October 2021)	8	2
g. Base Period 7 (31 October 2021 to present)	2	1

2. The number of associations of individuals that joined 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:

Answer:

Base Period	Part 1	Part 2
a. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)	1 Number of Individuals unspecified	
b. Base Period 2 (31 October 2016 to 30 October 2017)	0	0
c. Base Period 3 (31 October 2017 to 30 October 2018)	0	0
d. Base Period 4 (31 October 2018 to 30 October 2019)	0	0
e. Base Period 5 (31 October 2019 to 30 October 2020)	0	0
f. Base Period 6 (31 October 2020 to 30 October 2021)	0	0
g. Base Period 7 (31 October 2021 to present)	0	0

3. The date on which the Council commenced its Self-Build and Custom Housebuilding register?

Answer: According to the records the first four applicants were entered on the Register on 05/02/2015. The assumption is that the Register commenced on 05/02/2015.

4. What are the Council's entry requirements for joining its Self-Build Register?

Answer:

The eligibility criteria for joining the Uttlesford Self-build Register are available on the council's website and can be found at: <https://www.uttlesford.gov.uk/article/4439/Uttlesford-self-build-and-custom-housebuilding-register>

5. Has the Council has undertaken any review(s) of its register?

No

- a. If so, when did it occur? N/A

- b. In the process of doing so has the Council removed any entries from its register?

Although no review has been undertaken only one applicant requested to be removed from the Register.

6. If yes to Q5b:

- a. What were the grounds for the removal of these entries?

The applicant requested to be removed from the Register

- b. When did these removals occur?

Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)

- c. How many entries were removed from each Base Period (broken down on a base period by base period basis)?

i. Base Period 1 (from the start of the Self-Build Register up to 30 October 2016) = 1

ii. No applicants have been removed since 30 October 2016.

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**.

Answer:

Reference No.	Approval Date	Type of Development
UTT/14/0472/OP (allowed on appeal Ref. APP/C1570/A/14/2223280)	15 May 2015	22 Self/Custom build
UTT/16/1031/FUL	20 April 2016	2 Custom build
UTT/17/1967/FUL	11 July 2017	4 Custom build
UTT/17/3690/OP	19 December 2017	2 Self/Custom build
UTT/18/0771/FUL	23 March 2018	1 Self-build
UTT/18/1990/OP	19 July 2018	1 Self-build
UTT/18/2939/FUL	5 November 2018	1 Self-build
UTT/18/2847/OP	31 May 2019	2 Self-build
UTT/19/0904/OP	31 May 2019	3
UTT/18/2899/FUL	27 February 2019	4 Self-build
UTT/19/0393/OP allowed on appeal Ref. APP/C1570/W/19/3234530	31 January 2020	12 Self-build

Please see attached on how to search for self-build and custom build planning permissions by using the council's [planning application and decision search portal](#).

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:

Answer:

Uttlesford District Council has not adopted CIL and therefore unable to provide requested information.

Base Period	Part 1	Part 2
Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)	N/A	N/A
Base Period 2 (31 October 2016 to 30 October 2017)	N/A	N/A
Base Period 3 (31 October 2017 to 30 October 2018)	N/A	N/A
Base Period 4 (31 October 2018 to 30 October 2019)	N/A	N/A
Base Period 5 (31 October 2019 to 30 October 2020)	N/A	N/A
Base Period 6 (31 October 2020 to 30 October 2021)	N/A	N/A
Base Period 7 (31 October 2021 to present)	N/A	N/A

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:

Answer:

Uttlesford District Council has not adopted CIL and therefore unable to provide requested information.

Base Period	Part 1	Part 2
Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)	N/A	N/A
Base Period 2 (31 October 2016 to 30 October 2017)	N/A	N/A
Base Period 3 (31 October 2017 to 30 October 2018)	N/A	N/A
Base Period 4 (31 October 2018 to 30 October 2019)	N/A	N/A
Base Period 5 (31 October 2019 to 30 October 2020)	N/A	N/A
Base Period 6 (31 October 2020 to 30 October 2021)	N/A	N/A
Base Period 7 (31 October 2021 to present)	N/A	N/A

10. A copy of the Council's CIL Form 7 Part 2 Notification of Self-Build Relief letter.

Answer:

Uttlesford District Council has not adopted a CIL regime and requested information cannot be provided..

11. How does the Council monitor Self Build and Custom Housebuilding permissions and completions?

Answer:

For monitoring purposes, which will start in September 2022, we will only count plots:

- With planning permission that has a self and custom build in their description, and
- Single plots that meet the legal definition set out by the Self-build and Custom Housebuilding Act 2015

12. 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?

Answer:

We do not currently formally notify individuals and associations of individuals on its Self-Build and Custom Housebuilding Register of the availability of any self-build and custom housebuilding permitted plots. Anyone can search for current applications, including outline applications from developers which may include plots suitable for self/custom build, on our online [Planning application and decision search portal](#).

13. How has the Council publicised the existence of its Self-Build and Custom Housebuilding Register?

Answer:

The Uttlesford self-build and custom housebuilding register, together with details of how anyone can join the register, is available on the council's website and can be found at: <https://www.uttlesford.gov.uk/article/4439/Uttlesford-self-build-and-custom-housebuilding-register>

14. If the Council has publicised the existence of its Self-Build and Custom Housebuilding register, when did this take place and by what means?

Answer:

The register has been promoted via the council's website, including occasionally featuring on the site homepage.

The 2021 register was published on the website at 10:40 on 24 December 2021. This includes the [2021 progress report \(PDF\) \[139KB\]](#) which provides a summary of the self-build register and demonstrates to what extent demand for self-build is being met within Uttlesford District.

Please do not hesitate to contact me if you have any further queries or concerns.

If you are dissatisfied with the response to your request, please let us know. If we are unable to resolve the matter quickly then you may wish to pursue this through the Council's complaints procedure and request an internal review be undertaken. Internal review requests should be submitted within 40 working days of the date of receipt of the response to your original letter and should be addressed to: foi@uttlesford.gov.uk.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 0303 123 1113 or 01625 545 700
Website: www.ico.org.uk.