

Internal consultation response

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Site Location:	Land at Sodbury Road, Wickwar
Application Number:	P21/01300/O
Consultation response from:	Katie Warrington, Self-build Officer
Recommendation:	Objection on the basis that the application contains no self / custom-build plots. The applicant is requested to consider the following requirements.

Short description of site and location:

Outline application (with all matters reserved except for main vehicular access(es) from Sodbury Road) for up to 180 dwellings, a local shop and associated infrastructure at land at Sodbury Road, Wickwar.

Policy

The NPPF (para 61) requires LPAs to plan for a mix of housing including 'people wishing to build their own homes'.

The Self-build and Custom Housebuilding Act 2015 placed a duty on local authorities to keep 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, to publicise that register and to have regard to it when carrying out planning and housing functions. South Gloucestershire Council have kept a register since the 1st of April 2016, as of the 17th of May 2022 the total number of entries on the register was 1155. against which 373 plots have been granted planning consent. Further information can be found on the Council's [self-build and custom housebuilding web page](#).

The Housing and Planning Act 2016 (Section 9, (1)) defines Self-build and Custom Housebuilding as "the building or completion by -

1. individuals

2. associations of individuals, or
3. persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.

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 defines a serviced plot of land as a plot that –

- a) has access to a public highway and has connections for electricity, water and waste water, or
- b) can be provided with those things in specified circumstances or within a specified period.

The Policies Sites and Places (PSP Plan) was adopted on 8th November 2017 and forms part of the South Gloucestershire Development Plan. The PSP Plan contains detailed planning policies to manage new development, allocate and safeguard sites for various types of development and includes Policy PSP42 – Self and Custom Housebuilding.

The Council's first Self-Build and Custom Housebuilding Supplementary Planning Document was adopted on 30th April 2021. This SPD has been prepared in accordance with the Local Plan Regulations and is a material consideration when determining planning applications. The SPD provides further guidance and advice in implementing policy PSP42 and refers to the wider planning context, including the Self-build and Custom Housebuilding Act 2015, Housing and Planning Act 2016, The Housing White Paper (2017), National Design Guidance (2019), and the National Planning Policy Framework (NPPF) (2019). The SPD contains specific detail on the following; how a range of self and custom build homes are delivered in South Gloucestershire, the marketing of plots for self and custom build homes in South Gloucestershire and topics addressed in our Self-build Delivery Statement (Local Planning Application requirement October 2019). There is also informative guidance and examples of best practice included in the appendices.

The Government has set out legislation that exempts self-build homes from the Community Infrastructure Levy (CIL). To benefit from this exemption, self-builders must provide a self-build exemption claim (prior to commencement of development) and additional supporting evidence within 6 months of completion of the dwelling.

Comments:

The outline proposal, with all matters reserved, is for up to 180 dwellings. Plots for self and custom build housebuilding are required to be sold for the purposes of self and custom building.

The planning application is accompanied by the following relevant information: a Location Plan, Illustrative Framework Masterplan, Design and Access Statement, and Self Build Delivery Statement. The submitted Self-Build Delivery Statement is

very brief and does not follow the structure of the Delivery Statement set out by the Council in the Local Planning Application Requirements list:

- The type of model used to bring forward self-build plots.
- How the proposed model fulfils the Housing and Planning Act's (2016) definition of self-build and custom housebuilding.
- Phasing of the development (this is to ensure self-builders can claim self-build exemption for CIL) – although this can be conditioned
- Where the plots will be located (a proposed layout plan with custom and self-build plots highlighted and grouped together).
- Servicing of the plots – who will be responsible for connecting to or extending the utilities, fences, or boundary treatments to be
- installed, any shared maintenance areas of communal areas, access roads, and estimated timing of the servicing and provision of the plots.
- Will bond payments be required?
- Details of the Design Code and Plot Passports – this can also be added as a condition.

The location of serviced self-build plots and phasing (including a phasing plan) need to be agreed during the determination of the outline planning application. The submission is missing these key pieces of information for us to assess if they comply with policy PSP42.

Quantum

PSP42 (part 4): 5% of 180 dwellings equates to 9 serviced plots (that meet the definition of self-build and custom housebuilding plots within the Housing and Planning Act 2016) for sale to self and custom housebuilders.

The supporting Self-Build Delivery Statement para. 2.2 states there is a “*strong preference for the delivery of Custom Build Homes as Shell Homes, as this has advantages for design and the efficient and safe delivery of homes at the site*”. Policy PSP42 (part 4) “*require[s] developers to supply at least 5% of the total dwellings on residential and mixed-use sites of over 100 dwellings, for sale to self and custom builders, on the following sequential basis:*

Firstly;

- A. *As self and/or custom house building serviced plots (that meet the definition of self-build and custom housebuilding plots within the Housing and Planning Act 2016 as amended or any subsequent amendment).*

Secondly;

Where it is demonstrated that it was not possible to deliver the self-build and/or custom housebuilding plots in accordance with A, above:

- B. *Shell homes*”

No justification has been provided to suggest that the sequential basis has been properly considered or addressed.

PSP42 (part 5): Should the Council agree that the site is unviable to provide policy compliant S106 affordable housing contributions, the Council will require the developer to investigate whether it is viable to provide additional custom build plots.

Delivery and phasing:

The applicant will be required to enter into a condition and / or S106 agreement that agrees the number of plots, general location /phase, and timing of delivery. A self-build phasing plan will be required showing the location of the self-build plots including any access works to be approved by the Council prior to commencement. The phasing plan should show each plot for self and custom housebuilding and any access works to be each phased separately via the self-build phasing plan. It is preferable that self and custom housebuilding plots are included in the earlier phases. See informative below for more information.

Plots for self and custom housebuilding to be serviced and in a remediated condition in line with agreed triggers within the S106 Agreement.

We recommend that plots are carefully selected to ensure they can be serviced in an agreed specified period in the construction programme and are attractive to prospective self and custom housebuilders. It will thus be expected that plots and any 'shell homes' will be offered ahead of the developer standard product. Appropriate locations (as per the Illustrative Framework Masterplan) are currently suggested as the following locations:

- The two parcels of land in the top field section (northerly edge of the site, near the LAP)
- The two parcels on the westerly facing side (middle field, facing the proposed attenuation basin),
- The parcel on the westerly facing side (bottom field, facing the LEAP and proposed Swale).

PSP42 (paragraph 8.58) – Delivery Statements. Applications which contain plots for self-build or custom housebuilding should be accompanied by a delivery statement which sets out the programme for delivering the self/custom build plots to a serviced and remediated condition including details of access, servicing, infrastructure, subdivision and boundary treatment and how the delivery of plots will meet the definition of self-build and custom housebuilding and the definition of serviced plots (The Housing and Planning Act 2016 (section 9, (1)). An example of what is required in a delivery statement can be found [here](#).

South Gloucestershire Council are developing a new and innovative route to enable the delivery of self and custom housebuilding plots in South Gloucestershire. Our 'Self-Build Partnership' will enable the delivery of self and custom build plots we have secured through s106 agreements. Our Partnership

will be launching later this year in Autumn and will transform how we deliver CSB in our area. It is based on the successful HomesWest model (Affordable Housing). This can be achieved by streamlining the process for developers and providing them with a list of suitable Enablers who can deliver the CSB plots for them.

Design

PSP42 (part 9): It is expected that custom build dwellings should not exceed 108sqm (gross internal floor space). It is good practice for developers to provide a mix of serviced plot sizes to meet the range of demand and affordability, subject to site-specific negotiations and the nature of the proposed development. There is scope for a mix of plot sizes, if this relates to the demand identified on the Council's Self-build Register (data from the register can be provided by request to the Self-build Officer). This is to ensure that CSB plots secured through PSP42 cater to the variety of aspiring self-builders, including first-time buyers, middle-income earners, downsizers, and other specialist groups. Supplying a mix of plot sizes also plays an important part in enabling the delivery of housing to specialist groups.

The initial occupier of any self or custom build dwelling shall have primary input into that dwelling's final design and layout.

Design code: This application seeks outline planning permission, and it is expected that custom-build plots will be brought forward by way of full planning application for individual plots. Due to the site size and phasing the Council require that prior to site or phase commencement (as appropriate) a Design Code or brief will be approved for the self/custom-build element by way of condition to agree as a minimum the subdivision of plots, building line, scale, and boundary treatments. The Design Code should set out design parameters for self and custom housebuilding and should not be overly prescriptive allowing for design variation, creativity, and innovation.

Plot passports are simple summaries of the design parameters for each plot capturing relevant information from the Design Code, planning permission and Delivery Statement. They act as a key reference point for prospective purchasers and form part of the marketing material available for each custom build plot to help private homebuilders to understand what they can build on a plot. Plot passports are required for approval before commencement of those phases which include plots for private homebuilding.

Further details on what should be included in the Design Code and Plot Passports can be found in our recently adopted SPD (from page 27) [here](#).

Marketing

Self and custom housebuilding plots and shell homes are to be marketed at open market value. Any plots which remain unsold following the first marketing period shall be made available as either self / custom housebuilding plots or as shell homes during the second marketing period.

A strategy for the marketing of the custom-build plots is required before commencement of any phase which includes custom-build plots and should set out how plots will be marketed to eligible purchasers, use of plot passports, the method for valuing plots, the proposed terms and conditions for the sale and the use of a reputable and experienced estate agent.

No more than 30% of the market dwellings shall be occupied until all the self/custom-build plots are provided as serviced plots and are being marketed appropriately.

Principle access road and communal areas

The Council will also require the principal access road and communal areas serving self-build and custom build plots to be delivered to adoptable standards by an agreed trigger, during the build out of the site or phase as appropriate.

Summary of comments and recommendation (to be used in the case officer report):

Self-build and custom housebuilding is sought in line with national Planning Policy Guidance: Planning Obligations and other requirements under Policy PSP42 of the Council's adopted Policies Sites and Places Plan (PSP).

The supporting Self-Build Delivery Statement para. 2.2 states there is a "*strong preference for the delivery of Custom Build Homes as Shell Homes, as this has advantages for design and the efficient and safe delivery of homes at the site*". However, no justification has been provided to suggest that the sequential basis has been properly considered or addressed.

This application generates a self and custom housebuilding requirement of 9 serviced plots to be provided on site and in line with the principles / heads of terms as set out above.

- A self-build phasing plan and a Design Code is required to be conditioned as part of the Outline application
- A delivery statement is required from the developer setting out self-build delivery under PSP42
- A marketing strategy is required before commencement of any self-build phase
- Plot passports are required as part of the marketing of each self-build plot
- Confirmation of principle access road for the self-build plots

Recommendation: Insufficient information has been submitted in relation to the delivery of self-build plot provision on site. To fully assess if the proposal can comply with policy PSP42, the applicant is to provide information on the proposed location of the 9 serviced plots and potential phasing of the CSB provision.

We welcome discussion with the applicant

Recommended conditions with reasons & informatives:

- The self-build phasing plan must be referenced in the outline permission to ensure CIL is not inadvertently triggered across the whole self-build element of the scheme due to commencement elsewhere on the site.
- A Design Code is required to be conditioned as part of the outline application to ensure standards of design.

Community Infrastructure Levy (CIL)

The Government has set out legislation that exempts self-build homes from the Community Infrastructure Levy (CIL). To benefit from this exemption, self-builders must provide a self-build exemption claim (prior to commencement of development) and additional supporting evidence within 6 months of completion of the dwelling. It is vital that work is not begun on site before self-builders submit the appropriate forms and obtain notice from the Council which confirms their exemption. All the forms are available from the [Planning Portal](#).

For self-builders on sites of more than one self-build plot to benefit from the CIL exemption, phasing must be mentioned in the planning permission as a condition. This is because CIL regulations require this to allow self-builders to take advantage of the phasing provisions in the regulations, where each self-build plot will need to be identified as an individual phase. If the planning permission is not individually phased by plot, then the commencement of the development will trigger CIL attributable to the whole development precluding any subsequent housebuilders from applying for CIL relief. The outline application should show each plot and any access works to be phased separately via a phasing plan.

Refusal reasons with policy justification:

N/A

Recommended S106 contributions with justification against the CIL tests (*if applicable*):

- Necessary to make the development acceptable in planning terms*
The self-build contribution sought through the Section 106 Agreement is necessary for the proposed development to comply with the provisions of Policy PSP42 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.
- Directly related to the development*
The proposed development includes new housing development which is of a scale (over 100 dwellings) to trigger a self-build requirement under Policy PSP42 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017 and therefore the obligation is directly related to the development. South Gloucestershire Council are required under the Self-build and Custom Housebuilding Act 2015 to keep a register of individuals and associations of individuals who are seeking to acquire

serviced plots of land in the authority's area where demand exceeds the plots available to Self-builders in South Gloucestershire Council.

c) *Fairly and reasonably related in scale and kind to the development*

The self-build plot percentage requirements (criteria 4 of PSP42) were tested at public inquiry and accepted by an inspector as reasonable. They are also becoming a recognised policy mechanism to assist potential self-builders with access to land nationally. The Council's self-build register gives a picture of demonstrated demand within the authority. The evidence base for the PSP42 Self and Custom Housebuilding Policy was taken from demand analysis on the register and an analysis of sites of over 100 units.