

Report to: Cabinet

Date: 21 March 2022

Title: Register Local Connection Eligibility in Self-build and Custom Housebuilding Register

Report of: Ian Fitzpatrick, Director of Regeneration and Planning and Deputy Chief Executive

Cabinet member: Councillor Colin Swansborough Cabinet Member for Place Services and Special Projects

Ward(s): All

Purpose of report: To seek Cabinet approval to include Local Connection Eligibility on the Self-Build and Custom Housebuilding Register.

Decision type: Non-key

Officer recommendation(s):

- (1) That Cabinet authorise the incorporation of a Local Connection Eligibility Test in the Self-Build and Custom Housebuilding Register.
- (2) That Cabinet authorises to start a re-registering process for all individuals and associations currently on the Register.

Reasons for recommendations:

- (1) The proposal to implement a Local Connection Test to the Self-build and Custom Housebuilding Register is important in informing the emerging EBC Local Plan,
- (2) The proposal would meet the requirements of the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and subsequent Self-build and Custom Housebuilding Regulations 2016.

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1 Introduction

- 1.1 '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 the beginning to the end, to projects where individuals commission their home, making key decisions about design and layout. A legal definition of self-build and custom housebuilding is provided in the [Self-build and Custom Housebuilding Act 2015 \(as amended by the Housing and Planning Act 2016\)](#)¹ Key to the consideration of whether a home is self or custom build is whether the initial owner of the home will have primary input into its final design and layout and whether the home will be occupied by the initial owner. The Act does not distinguish between self-build and custom housebuilding.
- 1.2 Since April 1st, 2016, it has been the statutory responsibility of the Council to keep a Self-build and Custom Housebuilding Register ("the Register"). This followed the introduction of the Self-build and Custom Housebuilding Act 2015 (as amended) and subsequent Self-build and Custom Housebuilding Regulations 2016². The Act places a duty on the Council to have regard to the register when carrying out their planning, housing, land disposal and regeneration functions.
- 1.3 Inclusion on the Register does not confer any form of entitlement in terms of the provision of serviced plots. Rather, its purpose is to provide local planning authorities with demand data that they can use to understand, and plan need for this type of housing in their area. Authorities may, at their discretion, advise people on the Register of relevant proposals for development.
- 1.4 Local authorities are expected to meet the level of need indicated by the Register, by permitting an equal number of serviced plots within the following three years to the number of registrations that are made. This is a rolling requirement, running from the end of October each year. The emerging Local Plan will need to address how self-build and custom housebuilding will be supported through the plan period.
- 1.5 Supporting self-build or custom build helps to diversify the housing market and increase consumer choice, often this can allow individuals to be more innovative in a home's design and construction.
- 1.6 An introduction of a Local Connection Test to applicants of The Register is being sought as demand for self-build plots is high in the borough and land availability is severely restricted.
- 1.7 Introduction of local connection eligibility only will affect the information for the council on the requirement of provision of serviced plots. Local connection has no implications for people with or without local connection to obtain a plot for self-build or custom housebuilding in the borough.

¹ <https://www.legislation.gov.uk/ukpga/2015/17/contents/enacted/data.htm>

² <https://www.legislation.gov.uk/uksi/2016/950/contents/made>

The Register

- 1.8 The number of entries currently on the Register; and the number of entries per year, suggest the number for self-build and custom housebuilding will continue to rise. The following table shows the current entries to the Register by base period.

Base period	
1. April 2016 - 30 October 2016	15
2. 31 October 2016 - 30 October 2017	22
3. 31 October 2017 - 30 October 2018	14
4. 31 October 2018 - 30 October 2019	16
5. 31 October 2019 - 30 October 2020	17
6. 31 October 2020 - 30 October 2021	17
TOTAL	101

- 1.9 According to Planning Practice Guidance (PPG)³ 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. To date Eastbourne Borough Council should have granted consent for 51 self-build plots to meet the demand as shown by the number of applicants on the register for base period 1, 2 and 3.

- 1.10 The number of self-build plots granted can be difficult to quantify, as it is not always identifiable through the application process. The following table shows the number of (surplus) dwellings which were granted self-build exemption from the Community Infrastructure Levy. In total we count 10 self- or customised build dwellings.

Base period	Number of dwellings with CIL (self-build) relief
1	2
2	1
3	5
4	1
5	0
6	1
Total	10

³ <https://www.gov.uk/guidance/self-build-and-custom-housebuilding>

2 Proposed local connection test

- 2.1 According to the Self-build and Custom Housebuilding Act 2015 (as amended)⁴ and the PPG⁵ Local Authorities may choose to set up a local connection test and are then required to have two parts to their register. Individuals or associations who meet all the eligibility criteria must be entered on part 1, those who meet the national eligibility criteria except for a local connection must be entered on Part 2.
- 2.2 On the difference between the two parts of the Register, the PPG⁶ explains that 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. 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 regenerations functions.
- 2.3 It is proposed to introduce a local connection eligibility test for all individuals and association on the register and for new applicants to create the two parts of the register.
- 2.4 As the demand in the borough is exceptionally high and there is limited land availability, a local connection test will enable a more accurate picture of the local demand to inform decision making and policy formation.
- 2.5 The proposed criteria for Local Connection Eligibility are:
- RESIDENCE
 - reside in Eastbourne borough as your only or principal home and have done so for the previous 2 years
 - have resided in Eastbourne borough as your only or principal home for a period of at least 3 consecutive years out of the previous 5 years.
 - WORK
 - being employed in the borough or being self-employed and provide a service related to the borough, and have been for the previous 2 years
 - FAMILY
 - have close relatives who reside in Eastbourne borough as their only or principal home and have done for at least the previous 5 years.
 - ARMED FORCES
 - When you have served in the Armed Forces within the previous 5 years you do not need a local connection to join our waiting list

⁴ <https://www.legislation.gov.uk/ukpga/2015/17/contents/enacted/data.htm>

⁵ <https://www.gov.uk/guidance/self-build-and-custom-housebuilding>

⁶ <https://www.gov.uk/guidance/self-build-and-custom-housebuilding>

- 2.6 If the Local Connection Eligibility Test were adopted, all individuals and associations registered will be asked to re-register within four months. The original date of entrance on the register will then be honoured.
- 2.7 All individuals or associations who do not re-register will be considered no longer eligible for entry in the Register and will be removed. They will be notified with reasons for the determination. Registration after the 4-month period will be considered as a new registration.

3 Consultation

- 3.1 The Planning Practice Guidance recommends consulting on the proposal before an eligibility test is introduced. Therefore, a public consultation on the proposal took place between 8 October and 19 November 2021 through the Council's planning consultation website. Additionally, all individuals and association on the Register were sent a direct email to take part in the consultation.
- 3.2 We received 18 responses. The report of the consultation is taken up as Appendix 1. Most of the respondents agree with the inclusion of Local Connection and gave comments on specific criteria of Local Connection Eligibility.

4 Corporate plan and council policies

- 4.1 In the Council's Corporate Plan focusses on 'Good access to housing that meet modern standards' which may be achieved by 'Promoting accessible low-cost rental and home ownership initiatives.
- 4.2 Key Spatial Objective in Eastbourne Core Strategy Local Plan 2006-2027 is to deliver new housing, employment, and shopping opportunities by planning positively and proactively to meet the needs of all sections of the local community and sustainable growth within environmental constraints.

5 Business case and alternative option(s) considered

- 5.1 The Planning Practice Guidance states that the Self-build and Custom Housebuilding Act 2015 (as amended) enables relevant authorities to include up to two optional local eligibility tests. These are limited to the local connection test and a financial solvency test. Financial solvency will be difficult to monitor or to assess and therefore it is not proposed to introduce a financial solvency test.
- 5.2 According to the Planning Practice Guidance a local authority can charge fees on a cost recovery basis. At this stage it is felt that the introduction of a fee should not be combined with introducing local connection eligibility. A fee may act as a disincentive and affect those with a low income and the desire to self-build. Therefore, it is not proposed to introduce a fee for registration.

6 Financial appraisal

- 6.1 The application of this change to the register and its ongoing maintenance falls within the existing staffing establishment and given the recommendation not to

incur a registration fee then it is considered that there are no financial implications of implementing a Local Connection Test to the Self Build and Custom House Building Register.

7 Legal implications

- 7.1 For the reasons set out in the report, having a two-part register will help the District Council meet its legal duty to meet local demand for self-build and custom housebuilding. The legal authority to take this action is set out in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and the Self-build and Custom Housebuilding Regulations 2016. In taking any action, the council must also have regard to the Planning Practice Guidance on Self-build and Custom Housebuilding.

Legal implications Provided 14.12.21 JCS Ref 10663

8 Risk management implications

- 8.1 The creation of the two-part register will allow for a more focused picture of the demand in the District to inform policy making in the emerging local plan.

9 Equality analysis

- 9.1 There are no implications for Equality and Fairness.
- 9.2 As all entrants to the register will be engaged with regard to the proposed changes and where there are specific issues raised that may give rise to equality issues then these will be assessed by officer's on a case by case basis

10 Environmental sustainability implications

- 10.1 Many individuals on the register are motivated to self-build because they want to build an environmentally sustainable house and it is to expect that part of the Self/custom build homes are more sustainable than required by Building Regulations or EBC Planning policies.

11 Appendices

- Appendix 1 – Report Public Consultation

12 Background papers

No background papers.