

**Report to:** Cabinet

**Date:** 24 March 2022

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

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

**Cabinet member:** Councillor Stephan Gauntlett, Cabinet Member for Planning, and Infrastructure

**Ward(s):** All wards in Lewes District that lie wholly or partially outside of the South Downs National Park

**Purpose of report:** To seek Cabinet approval to include Local Connection Eligibility into 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 LDC 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 \(as amended by the Housing and Planning Act 2016\)](#)<sup>1</sup>.
- 1.2 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.
- 1.3 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 2016<sup>2</sup>. 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.
- 1.4 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.
- 1.5 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.
- 1.6 Supporting self-build or custom build helps with diversity in the housing market and increases consumer choice, often this can allow individuals to be more innovative in a home's design and construction.
- 1.7 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. The introduction of local connection eligibility will only affect the information for the council on the requirement of the provision of serviced plots. Local connection has no implications for people with or without local connections to obtain a plot for self-build or custom house building in the

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

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

District,

## 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 year period

Base period	
1. April 2016 - 30 October 2016	38
2. 31 October 2016 - 30 October 2017	77
3. 31 October 2017 - 30 October 2018	32
4. 31 October 2018 - 30 October 2019	57
5. 31 October 2019 - 30 October 2020	53
6. 31 October 2020 - 30 October 2021	72
TOTAL	329

- 1.9 According to Planning Practice Guidance (PPG)<sup>3</sup> at the end of each base period, relevant authorities have 3 years in which to grant permission for 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 Lewes District council should have granted consent for 147 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 identified self-build dwellings which were granted self-build exemption from the Community Infrastructure Levy.

Base period	Number of dwellings with CIL (self-build) relief
1	3
2	7
3	8
4	5
5	8
6	8
Total	39

- 1.11 No applications have currently been granted specifically for self-build plots in the district. At the time of writing, the Planning Applications Committee has resolved to grant an application for 12 self-build plots at Hamsey Lakes but awaits a S106 agreement before that permission is granted.

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<sup>3</sup> <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)<sup>4</sup> and the PPG<sup>5</sup> 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 PPG<sup>6</sup> 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 associations on the register and for new applicants and to create the two parts of the register.
- 2.4 A local connection test will enable a more accurate picture of the local demand to inform decision making and inform policy formation.
- 2.5 The proposed criteria for Local Connection Eligibility are:

### RESIDENCY

- reside in the Lewes district as your only or principal home and have done so for the previous 2 years
- have resided in the Lewes district 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 district or being self-employed and provide a service related to the district, and have been so for the previous 2 years

### FAMILY

- have close relatives who reside in the Lewes district 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

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

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

<sup>6</sup> <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, their 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. 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 48 responses to the consultation. The report of the consultation is attached as Appendix 1. Most of the respondents agree with the inclusion of a 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 'Creation of sustainable community wealth' and 'Building homes that people can afford to live in' are two of the main focusses. Promoting Self / Custom Housebuilding supports both aims.
- 4.2 Core Policy 3 in Local Plan Part 1 is to deliver the homes and accommodation for the needs of the district and ensure the housing growth requirements are accommodated in the most sustainable way. The Self-build and Custom Housebuilding Register help to identify the demand in the district for this type of development.

### **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 by the Housing and Planning Act 2016) 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. However, because financial solvency will be difficult to assess this test 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 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 home for themselves and their families. This would align with the current and emerging Local Plan policies as well as supporting community wealth building.

## **11 Contribution to Community Wealth Building**

- 11.1 Facilitating Self-Build and Custom Housebuilding contributes to Community Wealth Building. Self/custom housebuilding by local residents will lead to more affordability and accessibility of homes. Self-build and custom housebuilding will likely incorporate more small local businesses and local labour. This will contribute to increased local economic power.

## **12 Appendices**

- Appendix 1 – Report Public Consultation

### **13 Background papers**

13.1 The background papers used in compiling this report were as follows:

- 13.2
- <https://www.lewes-eastbourne.gov.uk/planning-policy/supplementary-planning-guidance-and-supplementary-planning-documents/?assetdet3184c5c8-f61a-49cf-9c3f-4c18958be787=312746>  
LDC Sustainability in Development TAN – Sustainability Checklist for Minor Developments.