

Self-Build and Custom Housebuilding Guidance Note



**WELWYN
HATFIELD**

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Introduction

- 1.1 The Self-Build and Custom Housebuilding Act 2015 places a duty on local planning authorities to keep a register of individuals and associations of individuals who wish to acquire serviced plots of land for self-build and custom housebuilding projects, and to have regard to these registers when carrying out planning and other functions.
- 1.2 The purpose of this note is to provide guidance and additional information for those seeking self and custom build housing projects in Welwyn Hatfield as well as for developers and others bringing forward plots for self-build in the borough. This document will be endorsed by the Council for Development Management purposes, but may be reviewed or updated if required in the future.

What is Self-Build and Custom Housebuilding?

- 1.3 Self-build and custom housebuilding is defined in the Self-build and Custom Housebuilding Act 2015 (amended by the Housing and Planning Act 2016) as:

“... 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. 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”.

- 1.4 Planning policy guidance on self-build and custom housebuilding¹ offers a further explanation:

“The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.

Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing.”

- 1.5 Whilst the Act does not distinguish between self and custom build, self-build generally tends to be defined as a project where someone directly organises the design and

¹ Planning Policy Guidance on Self- build and Custom Housebuilding: <https://www.gov.uk/guidance/self-build-and-custom-housebuilding>

construction of their new home, whilst custom-build homes tend to be those where the home-owner works with a specialist developer to deliver their home.

- 1.6 Both self and custom build housing require the owner of the home to have a considerable input into the design and layout. Self and custom housebuilding does *not* include: dwellings which have not been built or commissioned by the occupant, speculative housing delivered by a developer, off-plan housing or where the purchaser simply chooses final specifications such as kitchens, bathrooms, flooring etc.

The Self-build and Custom Housebuilding Register

- 2.1 In accordance with its legal duty, the Council has publicised on its website and maintained a Self-build and Custom housebuilding register since 1st April 2016. The register helps the Council understand the demand for serviced plots of land within the borough and going forward, to contact interested parties on the register if suitable land becomes available.
- 2.2 An additional eligibility criteria and fee to enter or remain on the register were introduced from 31st October 2018 in order to help the council better manage the register and measure demand for plots of land within Welwyn Hatfield for self and custom build. The register has two parts, part one of the register is for those who have a local connection to Welwyn Hatfield. Part two is for all other applicants.

Table 1: Number of individuals on Welwyn Hatfield Self-build and Custom Housebuilding Register

	No. Individuals Joined Register in Year - Total	Total on register as at end of relevant Base period
BY1: 1 Apr 16 -30 Oct 2016	142	142
BY2: 31 Oct 16 -30 Oct 17	102	244
BY3: 31 Oct 17 – 30 Oct 18	68	312
BY4: 31 Oct 18 – 30 Oct 19	17	39
BY5: 31 Oct 19 – 30 Oct 20	21	47
BY6: 31 Oct 20 – 30 Oct 21	28	75
BY7: 31 Oct 21 - 30 Oct 22	12	50

- 2.3 If you wish to register on the Council's Self-build and Custom Housebuilding Register, you should apply via the Council's website at <https://www.welhat.gov.uk/registers/self-build-register> where further information can also be found. There is a one-off £25 charge to join the register, and it will be checked annually whether you wish to remain on the register, though from now on no further charges will be levied to remain. It should be stressed that being on the register will not give you any priority or advantage in securing plots when they become available, but will ensure that you are informed about opportunities as the Council becomes aware. Opportunities that the Council is aware of may also be published on the Council's website.
- 2.4 It is important to note that the purchase or acquisition of any self build plot will not be a transaction involving the Council, and the Council cannot provide advice to prospective purchasers nor adjudicate in any dispute. Prospective purchasers should

satisfy themselves by taking appropriate legal or other professional advice as necessary.

Delivery of Self and Custom Build Housing

Local Policy

- 3.1 National Policy on Self and Custom Build Housing is set out in Section 1 of this document. Local Policy on this issue is contained within Policy SP7 of the Draft Local Plan Main Modifications and is set out below:

Draft Local Plan Policy SP7

On sites of 100 or more non-flatted dwellings, 2% of serviced dwelling plots should be provided to contribute towards meeting the evidenced demand for Self- Build and Custom build housing in the borough. Serviced plots of land for Self-build and Custom Housebuilding will also be supported on other allocated sites or permitted windfall sites where overall, this would not result in an over-provision of this type of housebuilding when compared to the Councils supply / demand evidence.

- 3.2 This policy is explained further in paragraph 9.21 of the Draft Local Plan which says that “Measures will be put in place, either through the use of planning conditions or planning obligations to secure a proportion of serviced self-build or custom housebuilding plots on relevant sites.” This explanatory paragraph also states that the Council expects such plots to be robustly marketed for at least 12 months. It also sets out that in those instances where all or a very high proportion of a development are proposed to be flats, “the policy requirement will be considered on a site-by-site basis in the light of other relevant local plan policies and objectives for the site, together with any robust evidence presented by the applicant on the feasibility of including self-build or custom housebuilding plots as part of the overall design and layout of the site”.
- 3.3 To be considered as self and custom build, housing should meet the definition detailed in the Self-build and Custom Housebuilding Act 2015 (amended by the Housing and Planning Act 2016). Proposals where the dwelling is not built or designed by the occupier and the occupier does not have significant input into the design and layout will not be considered by the Council as meeting the definition.
- 3.4 In the calculation for the number of plots required by Policy SP7, any rounding should be upwards where the decimal is equal to .5 or higher and rounded down where less than .5. For example, for a site of 175 homes ($175/100 \times 2 = 3.5$) the requirement would be rounded up to 4 plots.
- 3.5 The Council’s self-build and custom housebuilding register will be used to inform the implementation of this policy and demand for suitable plots in terms of the type and size of homes preferred. It is important that developers of relevant sites engage with the Council early in the planning process to clarify local demand requirements.
- 3.6 The Council does not have land within its ownership readily available for self and custom build and is therefore seeking, through planning policy, to adopt a policy which will ensure that future developments over a certain size make appropriate provision for self-build plots.

Serviced Plots

- 3.6 Serviced plots provided should be parcels of land with legal access to a public highway and at least connections for electricity, water and waste water supply. The Council expects plots to be sold with at least these services available at the plot boundary.

The definition of a 'serviced plot of land' is set out in the Self-build and Custom Housebuilding Act 2015 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”

Marketing

- 3.7 Self-build plots being delivered under Policy SP7 should be marketed for a minimum of 12 months through the open market as well as to individuals and associations on the self-build register (via the Council). Marketing should be carried out in line with an agreed marketing strategy which should be submitted to the Council. The strategy should include – but not necessarily be limited to – details of how the plot(s) will be marketed to potential purchasers, the intended start date, the asking price of that plot along with an explanation of how that was determined, and the terms and conditions of sale along with the proposed contents of the plot passport. It should also include details of how reputable and experienced estate agents will be used to help market the plot(s).
- 3.8 The 12-month marketing period should not start until the serviced plots are available for the public to view safely and preferably with plot boundaries marked out.

Draft Local Plan, paragraph 9.21:

The requirement to provide plots will be reviewed and waived only where it can be robustly demonstrated that plots have been made available and actively, continuously and extensively marketed at a realistic market value for at least 12 months.

All providers of Self Build plots being marketed within the district should provide sufficient minimum information in the form of an accompanying 'Plot Passport'. The 'Plot Passport' should provide potential purchasers with clear and concise information on available plots, including the total plot size (m²), any design and siting parameters, as well as cost and location of the plot. Some of the information in a plot passport may include key extracts from any relevant agreed Design Code.

Design

- 3.9 High quality design and placemaking is important to the Council and the Government. Policy SP9 of the Draft Welwyn Hatfield Local Plan sets out the requirements for master planning on larger and / or more complex or sensitive sites, and the Council will be progressing a borough-wide design code in line with national policy. Self and custom build housing provides scope for a greater variety of housing design and is intended to help diversify the housing market and create greater consumer choice, and whilst having greater scope for design is one of the features and benefits of self build,

it is important that individual properties contribute to a coherent and attractive whole. To ensure high quality design, self and custom build housing will be assessed against the Emerging Local Plan Policies including Policy SP9 (Place Making and High Quality Design) as well as the Council's Supplementary Design Guidance, and design details should be applied for through a reserved matters application or through a variation to a planning application.

Planning Application Requirements

- 3.10 The Council expects details of the self or custom build plots to be provided as part of the planning application. As much detail as possible should be provided including, but not limited to, the location of the plots indicated on a site plan, the number and size of the plots, the anticipated phasing and any other information which may help the Council understand what is proposed. If planning permission is granted, the nature, delivery and phasing of these plots may be set out in a legal agreement.

Location, Access & Phasing

- 3.11 Plot sizes should be realistically sized and regularly shaped to make them attractive to potential purchasers. They should not be encumbered by constraints such as trees, flood risk or challenging topography. Whilst the plots should be provided with services to the boundary, there should not be services or rights of way crossing the plot, and boundaries should be clearly marked out.
- 3.12 Self build plots will need to be connected to the road within a development and should be accessible to construction vehicles, and their access to the plot should not be unduly restricted by work on the wider site or other plots. The access to the road will need to be of an adoptable standard and excessive or disproportionate fees should not be levied by the owner of the wider site or neighbouring plots or properties in order to secure highways adoption.
- 3.13 On larger sites, the Council will expect the early delivery of self build plots, and developers should set out the provision of these plots during the application process. The Council will work with developers to understand any challenges to the early phasing and release of such plots, and the release of these plots may be set out in legal agreements.

Community Infrastructure Levy (CIL)

- 3.13 Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 allow self-build and custom housebuilders to apply for an exemption from the levy. Community Infrastructure Levy Planning Practice Guidance states:

“If the necessary qualification requirements are met and the application process is completed within required timescales, an exemption from the Community Infrastructure Levy will be available to anybody who is building their own home or has commissioned a home from a contractor, house builder or sub-contractor. Individuals benefiting from the exemption must own the property and occupy it as their principal residence for a minimum of 3 years after the work is completed.”

Monitoring

- 3.15 The Council reports the total number of individuals and associations on its self-build and custom housebuilding register within the Annual Monitoring Report (AMR). Monitoring of the self-build register is carried out over 'base periods' specified by the government which run from 31st October to 30th October the following year. The number of self and custom build plots granted planning permission are also reported in the AMR. The Council will also continue to monitor the type of plots required by those on the register which will assist in informing the demand for plot sizes and types.