

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES	PLANNING COMMITTEE	22 JANUARY 2020	9
CUSTOM AND SELF-BUILD REGISTER: CHARGING			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Council is required to maintain a Self-Build and Custom Housebuilding Register of individuals and associations who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. At present there are no restrictions to entry onto the register and no charges are made for the administrative costs involved in operating the register.

Entries onto the register are significant because the Council has a Duty to Grant Planning Permission for plots of land to meet demand expressed on the register. Whilst the council has not previously exercised its right to charge a fee for those persons or groups seeking to be included on the register, as the number of parties interested in joining the register is increasing, it is becoming apparent that it will be necessary to introduce a fee in order to ensure that the process is rigorously managed.

RECOMMENDATIONS

1. That the Council adopts a two-part Self-Build and Custom Housebuilding Register, and introduces eligibility criteria for entry onto Part 1 of the register, as detailed in the report.
2. That the Council sets charges for entry onto and annually for retention on the Self-Build and Custom Housebuilding Register, as detailed in the report and that this new charge be added to the schedule of fees and charges to be considered at the March budget Council meeting.

SUMMARY OF PREVIOUS DECISIONS

None

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

1. The Self-Build and Custom Housebuilding Act 2015 introduced the requirement to maintain a register of individuals, and associations of individuals who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. It must also publicise the register. The Council publicises its register with information on its website: <https://new.fylde.gov.uk/resident/planning/planning-policy-local-plan/custom-and-self-build-homes/>
2. The Self-Build and Custom Housebuilding Act 2015 introduced the Duty As Regards Registers. This requires that Councils, in exercising their functions relating to planning, housing, disposal of any land owned by the authority and regeneration, must have regard to their Self-Build and Custom Housebuilding Register.
3. The Self-Build and Custom Housebuilding Act 2015 was amended by the Housing and Planning Act 2016 to introduce the Duty to Grant Planning Permission. This duty requires that Councils grant "suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period". The demand arising is measured by the number of additional entries on the register during the base period. Councils have three years from the end of each base period to grant sufficient permissions.
4. Members are invited to consider the options available to the Council to ensure that applicants are *bona fide*. All of the proposed measures are provided for in the Regulations and all are currently employed by many other councils.
5. Regulation 5(3) of the Self-build and Custom Housebuilding Regulations 2016 allows the introduction of a local connection test. The result of this is to divide the register into two parts: the Part 1 register for those who pass and the Part 2 register for those who do not. The Duty to Grant Planning permission only applies to those on the Part 1 register.
6. It is proposed that the local connection test is modelled on the criteria used for a local connection for affordable housing. Applicants will be required to demonstrate a local connection to the Borough of Fylde, either through residence or work, by meeting one or more of the following criteria:
 - Local residency – they have lived in the local authority of Fylde continuously for the last three years;
 - Permanent employment in the area of Fylde or offer of permanent employment that is intended to last for at least 12 months;
 - Close family association – has a parent, adult child, adult brother or sister who is living in the area of Fylde and has done continuously for the last 5 years;
 - Applicants who are serving in the Armed Forces and who are either employed or are resident in the area of Fylde; and
 - Former armed forces personnel who had a previous residence in the area of Fylde as a result of a former posting in the area of Fylde within the last 5 years.

In addition, the Regulations require that any person in the service of the regular armed forces of the Crown is deemed to satisfy the test whilst in service and for a period after leaving service equal to the length of the longest of any periods required by the test for a condition to be satisfied.

7. A further option to the Council is the introduction of the resource test under Regulation 5(4) of the Self-build and Custom Housebuilding Regulations 2016. Applicants would need to demonstrate that they have sufficient financial resources to finance the project, including the purchase of land. Information will be required on the application form to establish the financial status of the applicant.
8. A further option is charging for entry onto the register, and a further annual recurring fee to remain. This is provided for under the Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016. The Council must refund fees to unsuccessful applicants (for instance those who do not pass the resource test), and may not charge a fee to remain for an applicant who does not appear on Part 1 of the Register (for failure to pass the local connection test). The proposed fee is £120 for entry and £120 each subsequent year to remain. The level of fees must be set in compliance with Regulation 3(5) of the Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016: this requires that the income from fees does not exceed the reasonable costs incurred in exercising its functions under the relevant

sections of the Act. These proposed fees recognise the cost of maintaining the register as a whole, processing the applications and in particular validating the information provided as part of the resource test; the Regulations allow that the Council may also consider expenses relating to the Duty to Grant Planning Permission (for instance monitoring to ensure compliance) as part of its reasonable expenses. This new charge, if approved, will be added to the Revised Schedule of Fees and Charges for 2020/21 (considered separately at this meeting) for approval at the March budget Council meeting.

9. The Council promotes the development of custom and self-build homes in Fylde. The Local Plan includes the positively-framed section of Policy H2 which seeks to encourage plots to come forward on appropriate sites.

BACKGROUND PAPERS

Name of document	Date	Where available for inspection
N/A		

IMPLICATIONS

Finance	The proposed charging regime will ensure that the Council is reimbursed for its reasonable expenses in maintaining the register. It is not possible to accurately forecast the quantum of additional income that will be generated by this new charge, however it is anticipated to be modest and must reflect the costs associated with maintaining the register as set out in the report. Any necessary amendments to income budgets will be made as part of future budget-rightsizing exercises.
Legal	The proposed regime has regard to: The Self-build and Custom Housebuilding Act 2015 http://www.legislation.gov.uk/ukpga/2015/17/contents ; The Housing and Planning Act 2016 http://www.legislation.gov.uk/ukpga/2016/22/contents/enacted ; The Self-build and Custom Housebuilding Regulations 2016 http://www.legislation.gov.uk/uksi/2016/950/contents/made The Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016 http://www.legislation.gov.uk/uksi/2016/1027/contents/made
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
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Attached documents: none