

Report Title:	Self-Build and Custom Housebuilding Guidance Note
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Bermange, Cabinet Member for Planning, Legal and Asset Management
Meeting and Date:	Cabinet 27 th September 2023
Responsible Officer(s):	Andrew Durrant – Executive Director of Place
Wards affected:	All

REPORT SUMMARY

The report recommends that the Cabinet adopt the Self-Build and Custom Housebuilding Guidance Note to be published as guidance and afforded weight as a material consideration in the planning process.

The Self-Build and Custom Housebuilding Guidance Note has been prepared to provide detail and clarification on the self-build and custom housebuilding process. The Guidance Note provides information on how the Council will support the delivery of serviced plots and also includes various other sources of further information and advice.

The provision of self and custom build housing will help the Council to provide an appropriate mix of dwelling types and sizes. The Guidance Note will therefore help the Council to meet one of the main objectives of the Corporate Plan 2023-26 by helping to create ladder of housing opportunity, to support better life chances for all.

The Guidance Note could be developed into a Supplementary Planning Document (SPD) in future, in the same way as the Council's Interim Sustainability Position Statement is now being developed into the Sustainability SPD.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Adopts the Self-Build and Custom Housebuilding Guidance Note to be published as guidance and afforded weight as a material consideration in the planning process; and**
- ii) Delegates authority to the Assistant Director of Planning in consultation with the Cabinet Member for Planning, Legal and Asset Management, to approve and publish any minor changes to the Self-Build and Custom Housebuilding Guidance Note, prior to its publication.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report.

Option	Comments
<p>Adopt the Self-Build and Custom Housebuilding Guidance Note</p> <p>This is the recommended option</p>	<p>The Guidance Note provides the opportunity to providing technical guidance on self-build and custom housebuilding.</p> <p>Choosing not to adopt the Guidance Note retains the risk that the Council is not able to resist some forms of poor-quality new development because it does not have detailed, locally specific guidance relating to self and custom housebuilding in the Royal Borough.</p>
<p>Not adopt the Self-Build and Custom Housebuilding Guidance Note</p>	<p>There is a significant risk that this would leave the Council without the detailed guidance that is appropriate across the Royal Borough which could result in an undermining of the Council's ability to secure design excellence in new development and to resist poor quality development.</p>
<p>Do Nothing</p>	<p>This would cause delays to the adoption of a Self-Build and Custom Housebuilding Guidance Note.</p> <p>There is a risk that this would leave the Council without the detailed guidance needed to determine any planning applications that were submitted before the SPD was adopted.</p>

- 2.1 The National Planning Policy Framework (2021) defines self-build and custom-build housing as, *'housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.'*
- 2.2 The Government is committed to increasing the supply of housing. The Self Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) places responsibility on local planning authorities for keeping a self-build and custom housebuilding register of individuals and associations of individuals, who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes.
- 2.3 The Act (2015) 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. For the purposes of planning policy, self-build and custom build dwellings share the same definition and the terms are used interchangeably.

- 2.4 However, there are various models of self-build and custom housebuilding, including:

Self-build housing generally refers to when a person is directly involved in organising the design and construction of their own home. This can cover a wide range of projects, from a traditional DIY self-build home to projects where the self-builder employs someone to build their home for them. In this scenario, the finding and buying of a plot of land would usually be undertaken by the individual/self-builder.

Custom build housing is where a person commissions a specialist developer to help deliver their own home. In this scenario, the developer may secure the site and manage the build. They may even arrange the finance. This is a more 'hands-off' approach, but the home would still be tailored to match the individual requirements of the customer, who should retain primary input into the design of the dwelling.

Group self/custom build is where a group of people come together to design and build a housing development which they then live in. They may do this themselves, or with the help of a developer who would manage the project.

- 2.5 Policy HO2 (4) in the adopted RBWM Borough Local Plan (BLP) states the following:

Proposals for 100 or more net new dwellings (on greenfield sites) are required to provide 5% of the market housing as fully serviced plots for custom and self-build housing.

On other allocated and windfall sites, the Council will encourage the provision of custom and self-build plots. Self-build plots will generally be expected to be provided in clusters.

Where developers provide custom and self-build plots, these plots must be made available and appropriately marketed for 12 months. Marketing should be agreed with the Council before it is commenced. If the plots have not been sold in the 12-month period, these plots may be reverted back to the developer to build. All self-build plots will need to be provided with a plot passport.

- 2.6 The Self-Build and Custom Housebuilding Guidance Note has been prepared to provide detail and clarification on the self-build and custom housebuilding process. The Guidance Note provides information on how the Council will support the delivery of serviced plots and also includes various other sources of further information and advice.

- 2.7 The need for this Guidance Note has increased significantly recently for two main reasons. The first is the adoption of the Borough Local Plan and the introduction of the policy requirement set out in paragraph 2.5 above. With large, allocated housing sites now coming forward for development, it is important that the Council has the guidance in place to help inform Officer decision making and the application of Policy HO2. It is also important that applicants better understand how the Council expects self and custom build houses and sites to be delivered. Secondly, a recent appeal was allowed on a planning application in the Green Belt (ref. 21/03573, Land Adjoining

Pondview, Sturt Green, Holyport), with the Inspector considering that ‘very special circumstances’ existed due to the Council’s historic under delivery of self and custom housebuilding. There are several reasons for this under delivery, including the previous lack of a policy requirement for delivery of self and custom build housing (prior to the adoption of the BLP). Officers anticipate that similar planning applications will continue to be submitted in the future, and the Guidance Note is considered to strengthen the Council’s position at appeal.

- 2.8 In addition, even where large greenfield sites that have coming forward since the adoption of the BLP do provide self and custom build housing, this has tended to be custom build rather than self-build and it has been unclear whether this truly meets the legal definition of self and custom build insofar as there is primary input from the prospective purchaser. The guidance note will emphasise the need for primary input into its design and layout.
- 2.9 In due course, if required, an SPD could be prepared which would have more weight than this Guidance Note. However, the preparation of an SPD will take time, and, considering the need to have regard to existing material considerations such as those mentioned in paragraph 2.7, and the fact that large, greenfield sites are coming forward now, it is considered that the publication of the Guidance Note is prudent and necessary.
- 2.10 The Guidance Note is set out at Appendix B.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Publication of the Guidance Note and supporting documents	Guidance Note not published in October 2023	Guidance Note published in October 2023	n/a	n/a	October 2023

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The Guidance Note has been prepared by Council Officers and is therefore within existing budgets.

5. LEGAL IMPLICATIONS

The Guidance Note will not form part of the statutory development plan. It is intended to provide advice on how the Council will seek to address existing material considerations within the planning process and would have the weight of a material consideration. The document would not be an adopted SPD, which would require additional consultation and procedural steps.

6. RISK MANAGEMENT

Table 3: Impact of risk and mitigation

Threat or risk	Impact with no mitigations in place or if all mitigations fail	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place	Mitigations proposed.	Impact of risk once all mitigations in place and working	Likelihood of risk occurring with all mitigations in place.
There is a risk that the Council is not able to resist some forms of poor-quality new development because it does not have detailed, locally specific guidance relating to Self and Custom Housebuilding in the Royal Borough.	Major	High	The Council currently has the Policies in the adopted BLP.	Actions set out in recommendation	Minor	Medium

7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessment is available as Appendix A.
- 7.2 Climate change/sustainability. The adoption of the Guidance Note will have a positive impact in relation to climate change / sustainability as it will reduce the risk of unsustainable developments in the Green Belt being permitted due to very special circumstances.
- 7.3 Data Protection/GDPR. There are not anticipated to be any impacts.

8. CONSULTATION

- 8.1 The Guidance Note has been drafted in collaboration with relevant internal Council teams. As the document does not intend to introduce new policy and would not form a Supplementary Planning Document, it is not considered that consultation is required.
- 8.2 It is acknowledged that consultation, and an SPD would have been preferable, but there pressing need to provide clarity on the implementation of Policy HO2 (4) in the BLP. In these circumstances it is considered appropriate to adopt the guidance without further delay.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in: October 2023. The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
October 2023	Adoption of Guidance Note following the lapse of the call-period

10. APPENDICES

- 10.1 This report is supported by 2 appendices:

- Appendix A – Equality Impact Assessment
- Appendix B – Self-Build and Custom Housebuilding Guidance Note

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by 3 background documents:

- Royal Borough Windsor and Maidenhead Borough Local Plan 2013-2033
[Adopted local plan | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](https://www.rbwm.gov.uk/adopted-local-plan)
- National Planning Policy Framework (NPPF)
[National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431424/nppf-2019.pdf)
- The Self Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)
[Self-build and Custom Housebuilding Act 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2015/22/section/1)

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officer (or deputy)</i>	
Andrew Vallance	Head of Finance/ interim S151 Officer	15/08	
Elaine Browne	Deputy Director of Law & Governance and Monitoring Officer	15/08/23	29/8/23
<i>Deputies:</i>			
Julian McGowan	Senior Business Partner Finance	15/08/23	18/08/23
<i>Mandatory:</i>		<i>Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>	
Samantha Wootton	Data Protection Officer	15/08/23	
<i>Mandatory:</i>		<i>Equalities Officer – to advise on EqIA, or agree an EqIA is not required</i>	
Ellen McManus-Fry	Equalities & Engagement Officer	15/08/23	16/08/23
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Stephen Evans	Chief Executive	15/08	
Andrew Durrant	Executive Director of Place	15/08	
<i>Heads of Service (where relevant)</i>			
Adrien Waite	Assistant Director of Planning	15/08	29/08/23
Chris Joyce	Assistant Director of Infrastructure, Sustainability and Economic Growth	15/08	
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Planning, Legal and Asset Management	Yes
---	---	-----

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision	No	No

Report Author: Garry Thornton, Principal Planning Policy Officer
--

Equality Impact Assessment

For support in completing this EQIA, please consult the EQIA Guidance Document or contact equality@rbwm.gov.uk

www.rbwm.gov.uk



1. Background Information

Title of policy/strategy/plan:	<u>Guidance Note on Self-Build and Custom Housebuilding</u>
Service area:	<u>Place</u>
Directorate:	<u>Planning Policy</u>

Provide a brief explanation of the proposal:

- What are its intended outcomes?
- Who will deliver it?
- Is it a new proposal or a change to an existing one?

The Self-Build and Custom Housebuilding Guidance Note has been prepared to provide detail and clarification on the self-build and custom housebuilding process. The Guidance Note provides information on how the Council will support the delivery of serviced plots and also includes various other sources of further information and advice.

The Guidance Note will be used by the Council's Planning Officers to help determine relevant planning applications.

This is a new proposal.

2. Relevance Check

Is this proposal likely to directly impact people, communities or RBWM employees?

- If No, please explain why not, including how you've considered equality issues.
- Will this proposal need a EQIA at a later stage? (for example, for a forthcoming action plan)

Yes, the Guidance Note will directly impact people and the local community throughout the Borough. The principal purpose of the SPD is to provide details and guidance on the application of policy HO2 (4) in the Borough Local Plan. If approved by Cabinet, the document would become a material consideration when determining relevant planning applications.

If 'No', proceed to 'Sign off'. If unsure, please contact equality@rbwm.gov.uk

3. Evidence Gathering and Stakeholder Engagement

Who will be affected by this proposal?

For example, users of a particular service, residents of a geographical area, staff

The Guidance Note is borough wide, therefore, all residents of the borough could be affected.

Council Planning Officers will also be affected as they would have to take the Document into account during their decision-making process in relation to any planning applications received in relation to the site.

Among those affected by the proposal, are protected characteristics (age, sex, disability, race, religion, sexual orientation, gender reassignment, pregnancy/maternity, marriage/civil partnership) disproportionately represented?

For example, compared to the general population do a higher proportion have disabilities?

The adopted Borough Local Plan was subject to Equality Impact Assessments in 2017 and 2019, which did not identify any negative impacts for any group with protected characteristics.

The Guidance Note provides further details and guidance on the application of policy HO2 (4) of the Borough Local Plan. It does not create new policy.

The Government is actively supporting the self and custom-build sectors for people who wish to design and build their own home. Policy 'HO2 Housing Mix and Type' recognises that new homes should support the changing needs of individuals and families at different stages of life, including via the provision of Self and Custom Housebuilding,

Future planning applications will need to comply with Borough Local Plan policy. There is nothing in the SPD which is considered to disproportionately impact on any particular individual or group.

What engagement/consultation has been undertaken or planned?

- How has/will equality considerations be taken into account?
- Where known, what were the outcomes of this engagement?

No public engagement or consultation has taken place on the document. However, the document has been prepared collaboratively across relevant departments within the Council.

What sources of data and evidence have been used in this assessment?

Please consult the Equalities Evidence Grid for relevant data. Examples of other possible sources of information are in the Guidance document.

The Council's parish profiles and the Council's Equalities Evidence Grid.

4. Equality Analysis

Please detail, **using supporting evidence**:

- How the protected characteristics below might influence the needs and experiences of individuals, in relation to this proposal.
- How these characteristics might affect the impact of this proposal.

Tick positive/negative impact as appropriate. If there is no impact, or a neutral impact, state 'Not Applicable'

More information on each protected characteristic is provided in the Guidance document.

	Details and supporting evidence	Potential positive impact	Potential negative impact
Age	The Guidance Note develops the policies and requirements set out in the Borough Local Plan. It does not create new policy. There is nothing in the Guidance Note which is considered to disproportionately impact on any particular individual or group.	Not applicable.	
Disability	There is nothing within the Guidance Note which is considered to disproportionately impact or discriminate against a person with a disability.	Not applicable.	
Sex	There is nothing within the Guidance Note which is considered to disproportionately impact or discriminate against a person on the basis of their sex.	Not applicable.	
Race, ethnicity and religion	There is nothing within the Guidance Note which is considered to disproportionately impact or discriminate against a person on the basis of their race, ethnicity or religion.	Not applicable.	
Sexual orientation and gender reassignment	There is nothing within the Guidance Note which is considered to disproportionately impact or discriminate against a person on the basis of their sexual orientation or gender.	Not applicable.	
Pregnancy and maternity	There is nothing within the Guidance Note which is considered to disproportionately impact or discriminate against a person who is pregnant or a mother.	Not applicable.	
Marriage and civil partnership	There is nothing within the Guidance Note which is considered to disproportionately impact or discriminate against a person on the basis of their marital status.	Not applicable.	
Armed forces community	There is nothing within the Guidance Note which is considered to disproportionately impact or discriminate against a person who is in the armed forces community.	Not applicable.	

Socio-economic considerations e.g. low income, poverty	There is nothing within the Guidance Note which is considered to disproportionately impact or discriminate against a person on the basis of their socio-economic situation.	Not applicable.	
Children in care/Care leavers	There is nothing within the Guidance Note which is considered to disproportionately impact or discriminate against a person who is in care or a care leaver.	Not applicable.	

5. Impact Assessment and Monitoring

If you have not identified any disproportionate impacts and the questions below are not applicable, leave them blank and proceed to Sign Off.

<p>What measures have been taken to ensure that groups with protected characteristics are able to benefit from this change, or are not disadvantaged by it? For example, adjustments needed to accommodate the needs of a particular group</p>
<p>The document has been prepared collaboratively across relevant departments within the Council. The Council's parish profiles, and the Council's Equalities Evidence Grid have also been consulted. This Guidance Note supports Policy HO2 which, as part of the adopted Borough Local Plan was subject to an Equality Impact Assessment in 2017 and again in 2019, and this did not identify any negative impacts for any group with protected characteristics.</p>
<p>Where a potential negative impact cannot be avoided, what measures have been put in place to mitigate or minimise this?</p> <ul style="list-style-type: none"> For planned future actions, provide the name of the responsible individual and the target date for implementation.
<p>The document has been prepared collaboratively across relevant departments within the Council. The Council's parish profiles, and the Council's Equalities Evidence Grid have also been consulted. This Guidance Note supports Policy HO2 which, as part of the adopted Borough Local Plan was subject to an Equality Impact Assessment in 2017 and 2019, which did not identify any negative impacts for any group with protected characteristics.</p>
<p>How will the equality impacts identified here be monitored and reviewed in the future? See guidance document for examples of appropriate stages to review an EQIA.</p>
<p>Residents will have the opportunity to comment on future planning applications as part of the normal planning application determination process. In the unlikely event that it subsequently becomes apparent that groups with protected characteristics are being disadvantaged by the application of the guidance note, it would be amended.</p>

6. Sign Off

Completed by: Garry Thornton	Date: 31/07/2023
Approved by:	Date:

If this version of the EQIA has been reviewed and/or updated:

Reviewed by: Ellen McManus-Fry

Date: 16/08/2023