

TEWKESBURY BOROUGH COUNCIL

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| Report to: | Executive Committee |
| Date of Meeting: | 14 March 2018 |
| Subject: | Self Build and Custom Housebuilding Register – Local Connection Criteria |
| Report of: | Annette Roberts, Head of Development Services |
| Corporate Lead: | Robert Weaver, Deputy Chief Executive |
| Lead Member: | Lead Member for Built Environment |
| Number of Appendices: | One |

Executive Summary:

To seek approval to introduce a local connection criteria, under Regulation 5 (2) of the Self-build and Custom Housebuilding Regulations 2016, for entry onto the Council's Self-Build and Custom Housebuilding Register.

Recommendation:

- 1. To APPROVE the introduction of local connection criteria for entry on to the Council's Self-Build and Custom Housebuilding Register.**
- 2. To APPROVE the local connection criteria as set out at Paragraph 2.1 of the report.**

Reasons for Recommendation:

To ensure that the Register is truly reflective of the local demand for plots in Tewkesbury Borough.

Resource Implications:

Staff resource is already used to maintain the Register. This would only involve a minor amount of additional officer time.

Legal Implications:

The Self-build and Custom Housebuilding Act 2015 places a duty on the Borough Council to prepare and maintain a register of individuals or groups who are interested in undertaking a self-build or custom housebuilding project.

Risk Management Implications:

The risk of not implementing a local connection test is that there is a duty on the Council to provide self-build and custom housebuilding plots equivalent to the number of people on the Register each year, regardless of who the applicants are, where they are from and what other authority registers they may be on. This may have implications on the development management process when considering any future applications for self-build homes against the duty, in Regulation 2A(a) of the Self-Build and Custom Housebuilding Regulations 2016, to provide sufficient serviced plots.

Performance Management Follow-up:

Subject to the adoption of the Local Connection Test policy, the effectiveness will be monitored by the Planning Policy team and will be reported on within the annual authority monitoring report.

Environmental Implications:

Protection of the natural environment within Tewkesbury Borough will be achieved by preventing otherwise inappropriate or unsustainable development.

1.0 INTRODUCTION/BACKGROUND

- 1.1** The Self-build and Custom Housebuilding Act 2015 places a duty on the Borough Council to prepare and maintain a register of individuals or groups who are interested in undertaking a self-build or custom housebuilding project. The Act also places a duty on the Council to have regard to the register when carrying out planning and other functions and is regarded as a material consideration in decision making. The Council has an existing published register and as of 9 February 2018 there were 32 eligible individual applicants and one group, comprising a family group of three couples.
- 1.2** The initial regulations published following the 2015 Act allowed UK or EEA applicants, over the age of 18 and wishing to develop a plot for their sole, or main, residence to register with any number of local authorities.
- 1.3** On 31 October 2016 the Self-Build and Custom Housebuilding (Register) Regulations 2016 came into force. These Regulations gave local authorities the power to introduce an additional 'local connection test' for anyone seeking to join the Register. The Regulations also placed a further duty on local authorities to grant planning permissions for enough serviced plots to meet the demand on the register in any given year.
- 1.4** The power to introduce a local connection test gives Councils the ability to ensure that the Register is truly reflective of the local demand for plots.
- 1.5** However those not meeting the local connection test criteria will not be denied entry to the Register, providing the applicants meet the basic eligibility criteria of nationality, age and the intention to build the house to live in themselves. Instead the Register will be split into two parts: Part 1 for those applicants who meet the locally set criteria, and Part 2 for those who do not. This means the Council will only be required to consider the number of applicants on Part 1 of the Register when meeting the duty to provide sufficient planning consents for serviced plots. However, the Council would still need to have regard to the number of applicants on Part 2 of the Register. Those entered onto the Register prior to the introduction of the local connection test would have to be placed on Part 1 regardless of whether they would meet the criteria.

2.0 LOCAL CONNECTION TEST

- 2.1** The Self-Build and Custom Housebuilding Regulations 2016 do not specify how the local connection test should be applied. It is therefore proposed that the criteria set down in Paragraph 199 of Part 7 of the Housing Act 1996 is used to define 'local connection'. Paragraph 199 defines someone as having a local connection through either normal residence (current or previous); employment; or family connection. Applying these to applicants for Tewkesbury Borough Council's Self-Build Register would result in the following definitions:

Normal residence

Persons who have had, or whose partners have had, at the time of applying to the Self-Build Register their only or principal home in Tewkesbury Borough for a continuous period of six of the last twelve months, or three of the last five years.

Persons who, or whose partners are, in the service of the regular armed forces of the Crown (defined within the meaning of Section 374 of the Armed Forces Act 2006) or have left regular service within the past five years immediately preceding their application to be entered onto the Self-Build Register. (This is a required criteria from the Self-Build and Custom Housebuilding (Register) Regulations 2016).

Employment

Persons who have had, or whose partners (who are part of the same household) have had, at the time of applying to the Self-Build Register their principal permanent place of work in Tewkesbury Borough for a period of six months.

Family Connection

Persons who have had, or whose partners have had, at the time of applying to be entered onto the Self-Build Register, immediate family members (parents, adult siblings, adult children) living in Tewkesbury Borough for a continuous period of five years.

- 2.2** Only those applicants who would meet one of these criteria would be eligible for inclusion on Part 1 of the register. In the event that an application is from a group of individuals then each of the households would be required to meet the local connection criteria.

3.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 3.1** Tewkesbury Borough Local Plan to 2011.

Joint Core Strategy (2011 – 2031).

Emerging Tewkesbury Borough Plan (2011-2031).

4.0 RELEVANT GOVERNMENT POLICIES

- 4.1** National Planning Policy Framework.

National Planning Practice Guidance.

5.0 RESOURCE IMPLICATIONS (Human/Property)

- 5.1** Staff resource is already used to maintain the register. This would only involve a minor amount of additional officer time.

6.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

6.1 The maintenance of the Register and the implications of having a local connection test may have an impact on the number of self-build or custom housebuilding applications that the Council will be required to permit to meet the demand for serviced plots. New development can therefore have sustainability implications, but these will be guided by national and local planning guidance.

7.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

7.1 None.

8.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

8.1 None.

Background Papers: None.

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Appendices: 1. Local Connection Criteria 'Paragraph 199 of Part 7 of the Housing Act 1996'.