

2016 No. 950

TOWN AND COUNTRY PLANNING, ENGLAND

The Self-build and Custom Housebuilding Regulations 2016

Made - - - - *6th October 2016*

Laid before Parliament *10th October 2016*

Coming into force - - *31st October 2016*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 2B and 5 of, and paragraphs 1 to 4 of the Schedule to, the Self-build and Custom Housebuilding Act 2015(a).

Citation and commencement

1. These Regulations may be cited as the Self-build and Custom Housebuilding Regulations 2016 and come into force on 31st October 2016.

Interpretation

2. In these Regulations—

“the Act” means the Self-build and Custom Housebuilding Act 2015;

“association” means an association of individuals;

“development permission” has the meaning given in section 2A(5) of the Act(b);

“lead contact” means a member or officer of an association who acts on behalf of the association for the purposes of correspondence with a relevant authority(c);

“local connection test” has the meaning given in regulation 5(2);

“member” in relation to an association which is a body corporate refers to a person who is a member of the association and not to a member of the body corporate; and

“register” means the register that a relevant authority is required to keep under section 1(1) of the Act (register of persons seeking to acquire land to build a home).

Definition of a serviced plot of land

3. For the purpose of section 5 of the Act (interpretation)(d) a plot of land is a serviced plot of land if it can, in the opinion of a relevant authority, be provided with the things mentioned in paragraph (a) of the definition of that expression, within the period before any development permission granted in relation to that land expires.

(a) 2015 c.17; there are amendments to the Act made by the Housing and Planning Act 2016 (c.22) including the insertion of section 2B and amendments to section 5 and to paragraph 3 of the Schedule.

(b) Section 2A was inserted by the Housing and Planning Act 2016.

(c) See section 1 of the Act for the meaning of “relevant authority”.

(d) The definition of “serviced plot of land” was substituted by the Housing and Planning Act 2016.

Eligibility for entry in the register

4.—(1) Where a relevant authority sets eligibility criteria under regulation 5 (local eligibility conditions) the register kept by that authority must be divided into two parts, referred to in these Regulations as Part 1 and Part 2 of the register.

(2) Where a relevant authority does not set any eligibility criteria under regulation 5, references in these Regulations to Part 1 of the register are to be treated as a reference to the register kept by that authority.

(3) An individual is eligible for entry in Part 1 of the register if that individual—

- (a) is aged 18 or over;
- (b) is a British citizen, a national of an EEA State other than the United Kingdom, or a national of Switzerland;
- (c) satisfies any conditions set by the relevant authority under regulation 5 (local eligibility conditions);
- (d) has paid any fee required by the relevant authority to be paid to be entered in or to remain on the register; and
- (e) is seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area for their own self-build and custom housebuilding.

(4) An association is eligible for entry in Part 1 of the register if each member of the association meets all of the eligibility requirements set out in paragraph (3).

(5) An individual is eligible for entry in Part 2 of the register if that individual meets all of the eligibility requirements set out in paragraph (3) apart from a local connection test.

(6) An association is eligible for entry in Part 2 of the register if all the members of the association meet all of the eligibility requirements set out in paragraph (3) apart from one or more who do not meet a local connection test but meet all the other requirements.

Local eligibility conditions

5.—(1) A relevant authority may set criteria for eligibility for entry in the register in accordance with this regulation.

(2) A relevant authority may set a criterion whereby only individuals who meet such conditions as the authority reasonably considers demonstrate that the individual has sufficient connection with the authority's area, are eligible ("a local connection test").

(3) A local connection test must include provision 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.

(4) A relevant authority may set a criterion whereby only individuals who can demonstrate that they will have sufficient resources to purchase land for their own self-build and custom housebuilding, are eligible.

(5) A relevant authority which sets any criteria under this regulation must publicise those criteria in the same manner as it publicises the register under section 1(2) of the Act.

(6) In this regulation, "regular armed forces of the Crown" means the regular forces within the meaning of section 374 of the Armed Forces Act 2006(a).

Application for entry in the register

6.—(1) An application for entry in the register must be made in writing and include—

- (a) if the applicant is an individual—

(a) 2006 c. 52.

- (i) the name, address, date of birth and nationality of the individual,
- (ii) confirmation that the individual is seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area for their own self-build and custom housebuilding, and
- (iii) such information as the authority requires to establish whether any local eligibility conditions applicable are met;
- (b) if the applicant is an association—
 - (i) the name and address of the association,
 - (ii) the name and address, date of birth and nationality of each member of the association,
 - (iii) confirmation that each member of the association is seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area for their own self-build and custom housebuilding,
 - (iv) the name and address (if different from the address of the association) of the lead contact,
 - (v) the number of serviced plots of land in the relevant authority's area the members of the association are seeking to acquire, and
 - (vi) such information as the authority requires to establish whether any local eligibility conditions applicable are met.

(2) An individual or association entered on the register may apply to amend that entry and these Regulations apply to such an application as they do to an application for entry in the register with references to an entry in the register being read as references to the amendment of that entry.

Determination of applications

7.—(1) A relevant authority must determine an application for entry in the register within 28 days of the date that the application is received.

(2) Where a relevant authority determines that an applicant is eligible for entry in Part 1 of the register, the authority must notify the applicant.

(3) Where a relevant authority determines that an applicant is not eligible for entry in Part 1 of the register, that authority must notify the applicant and give reasons why the applicant is eligible only for entry in Part 2 of the register, or not eligible for entry in the register, as the case may be.

(4) Notification under paragraph (2) or (3) must be in writing and sent within 28 days of the date of the determination to—

- (a) in the case of an individual, the individual;
- (b) in the case of an association, the lead contact or such other person as the authority considers to be acting on behalf of the association.

Content of the register

8. The register must contain in respect of each entry—

- (a) in the case of an individual, the name and address of the individual;
- (b) in the case of an association—
 - (i) the name and address of the association,
 - (ii) the name and address (if different from that of the association) of the lead contact,
 - (iii) the number of serviced plots of land in the relevant authority's area the members of the association are seeking to acquire; and
- (c) in all cases, the date on which the entry in the register was made.

Effect of entry in Part 2 of the register

9. The duty in section 2A(a) of the Act does not apply in relation to any person entered in Part 2 of the register.

Removal of entry from register

10.—(1) A relevant authority must remove an entry from the register within 28 days of receiving—

- (a) in the case of an individual, a written request from the individual to be removed from the register;
- (b) in the case of an association, a written request for the association to be removed from the register from the lead contact or such other person as the authority considers to be acting on behalf of the association.

(2) A relevant authority may remove an entry from the register—

- (a) if the authority considers that the individual (or in the case of an association, any member of the association) is no longer eligible for entry in the register;
- (b) where the person has acquired land suitable for building a house; or
- (c) if an individual or association fails to pay any fee required to remain in the register.

(3) Where an authority determines to remove an entry from the register under paragraph (2), the authority must notify the subject of the entry and give reasons for the determination.

(4) Notification under paragraph (3) must be in writing and sent within 28 days of the date of the determination to—

- (a) in the case of an individual, the individual;
- (b) in the case of an association, the lead contact or such other person as the authority considers to be acting on behalf of the association.

Exemption from duty in section 2A of the Act

11.—(1) A relevant authority may apply to the Secretary of State under section 2B(1) of the Act(b) for exemption from the duty in section 2A of the Act in the circumstances specified in paragraph (2).

(2) The circumstances are that for any base period the demand for self-build and custom housebuilding (“demand”) is greater than 20% of the land identified by the relevant authority as available for future housing (“land availability”).

(3) For the purposes of this regulation for any base period—

- (a) demand is to be taken to be the aggregate number of new entries in Part 1 of the register in that base period and the two preceding base periods; and
- (b) land availability is to be taken to be the total number of new houses on land in the area of the relevant authority, assessed by that authority as being likely to be deliverable in that base period, the two preceding base periods, and the two following base periods.

(4) For the purposes of paragraph (3) no account is to be taken of any demand or land availability in any year before the first base period.

(5) An application of the description in paragraph (1) must be made within 6 months of the end of the base period for which the circumstances specified in paragraph (2) apply and must be in writing and accompanied by the following information—

- (a) details of demand and land availability for the base period in question and any other relevant base periods;

(a) Section 2A was inserted by the Housing and Planning Act 2016.

(b) Section 2B was inserted by the Housing and Planning Act 2016.

- (b) evidence of demand for other types of housing in the area of the relevant authority;
- (c) where no local connection test has been set, details of the number of individuals entered in the register who would be likely to meet a local connection test if one applied;
- (d) details of the relevant authority's policies for self-build and custom housebuilding including how those policies would apply if an exemption were to be granted;
- (e) such other information as the relevant authority considers relevant to its application.

(6) Where a relevant authority has been granted an exemption under section 2B of the Act in respect of a base period, no application is required in respect of any subsequent base periods in which the circumstances specified in paragraph (2) continue to apply unless the Secretary of State gives notice in writing to the authority that an application is required in respect of any base period.

(7) A relevant authority that is granted an exemption under section 2B of the Act must notify any person entered on Part 1 of the register kept by that authority for the base period to which the exemption relates.

Revocation

12. The Self-build and Custom Housebuilding (Register) Regulations 2016(a) are revoked.

Signed by authority of the Secretary of State for Communities and Local Government

Gavin Barwell
Minister of State

6th October 2016

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Self-build and Custom Housebuilding Act 2015 (c 17) (“the Act”) requires relevant authorities to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority’s area and, unless exempt, to grant sufficient development permissions to meet the demand for self-build and custom housebuilding. These Regulations are made under sections 2B and 5 of, and the Schedule to, the Act and make provision in relation to the definition of a serviced plot of land, registers kept under the Act and exemption from the duty.

Regulation 3 adds to the definition of the requirements about utilities and access to the public highway that a plot of land must meet to be a serviced plot of land specified the Act by specifying that if those requirements can be met within the duration of a development permission, the plot is to count as a serviced plot of land.

Regulation 4 provides eligibility criteria for entry in an authority’s register and for registers to be divided into Part 1 and Part 2 depending on the circumstances of the applicant. Regulation 5 allows authorities to set additional criteria for eligibility. Regulation 6 sets out what information must be provided in an application for entry in the register and applies the Regulations to applications for amendment of an entry. Regulation 7 provides for the determination of applications and notifying applicants of that determination. Regulation 8 makes provision for the content of registers.

Regulation 9 has the effect that if a person is entered in Part 2 of the register, that person does not count towards the assessment of local demand for self-build and custom housebuilding for section 2A of the Act (which requires authorities to grant sufficient development permissions to meet that demand).

(a) S.I. 2016/105.

Regulation 10 makes provision for the removal of entries from the register, either at the request of the registered individual or association or if an authority considers that a registered individual or association is no longer eligible.

Regulation 11 permits relevant authorities to apply for exemption from the duty under section 2A of the Act in circumstances where demand for serviced plots of land is high but the supply of land for housing is constrained.

Regulation 12 revokes the Self-build and Custom Housebuilding (Register) Regulations 2016 (S.I. 2016/105).

An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or the voluntary sector.

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£6.00

UK2016100621 10/2016 19585

<http://www.legislation.gov.uk/id/uksi/2016/950>

ISBN 978-0-11-115014-6



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