



Department for
Communities and
Local Government

Self-build and Custom Housebuilding

Draft planning practice guidance



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Introduction

This guidance advises on the requirements in the Self-build and Custom Housebuilding (Register) Regulations 2016 (available at www.legislation.gov.uk) made under the Self-build and Custom Housebuilding Act 2015, and should be used by relevant authorities in designing the register that they are required to keep under the Act of individuals and associations of individuals who are seeking to acquire serviced plots of land in their area in order to build homes for those individuals to occupy (referred to in this guidance as self-build and custom housebuilding registers).

It should be read alongside the current guidance on the housing and economic development needs assessment and the housing and economic land availability assessment available on the [planning practice guidance portal](#).

On 1 April 2016 the statutory duties under the 2015 Act to keep a register and to have regard to it will come into force and this guidance will be published on the Government's [planning practice guidance portal](#).

This guidance applies to England only.

Self-build and Custom Housebuilding

Who does the requirement to keep a self-build and custom housebuilding register fall to?

Responsibility for keeping a self-build and custom housebuilding register falls to “relevant authorities” as set out in section 1 of the Self-build and Custom Housebuilding Act 2015, and includes:

- District councils;
- County councils in England so far as they are councils for an area for which there are no district councils;
- London borough councils;
- The Common Council of the City of London;
- The Council of the Isles of Scilly;
- The Broads Authority and National Park authorities in England are the relevant authority for the whole of their areas, to the exclusion of any authority mentioned above.

The requirement to keep a register does not fall to Urban Development Corporations and Mayoral Development Corporations.

What is the purpose of self-build and custom housebuilding registers?

Self-build and custom housebuilding registers provide valuable information on demand for self-build and custom housebuilding in the local area and should form a key part of relevant authorities’ evidence base of demand for this type of housing.

What information must relevant authorities include on their register?

The information that relevant authorities must include on their register differs for entries for individuals and associations of individuals.

For individual entries on the register, relevant authorities must record the name and address of the individual on the register.

For entries on the register for associations of individuals, relevant authorities must record the following information on the register:

- the name and address of the association;
- the name and address (if different from that of the association) of the lead contact; and
- the number of serviced plots of land in the relevant authority’s area the members of the association are seeking to acquire.

In all cases the date on which an entry was made - and any dates on which it has been amended - must be recorded on the register.

Can relevant authorities request applicants to provide additional information to that required by the legislation?

As part of the registration process relevant authorities can request applicants to provide additional information to that required by the legislation. This can support a greater understanding of the nature of demand for self-build and custom housebuilding in their area.

Where a relevant authority chooses to request additional information from applicants, those who meet the eligibility criteria but do not provide the additional information requested must still be entered on the register.

Can relevant authorities hold a joint register?

In some circumstances, for example in a housing market area that encompasses multiple local authorities, relevant authorities may wish to share the administration of their register with their neighbouring authorities. This approach can be taken. However, under the Self-build and Custom Housebuilding Act 2015 each relevant authority must keep its own register.

Who is eligible to be entered on the register?

Applicants must meet all of the eligibility criteria for entry on the register. Each individual applicant and every member of an association of individuals that applies for entry on the register must be:

- aged 18 or older;
- a British citizen, a national of a EEA State other than the United Kingdom, or a national of Switzerland; and
- seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area to build a house to occupy as that individual's sole or main residence.

When applying to be entered on a register, individuals who wish to register as an association must appoint a member or officer to act as the lead contact for the purposes of correspondence between the association and the relevant authority.

In determining whether an applicant is eligible for entry on the register, relevant authorities are entitled, but not required, to rely on information provided by the applicant as part of the application process.

How should relevant authorities treat applications for entry on the register that are made by couples, or two or more members of the same household?

Relevant authorities should ensure that they have processes in place to consider how to process applications for entry on the register from couples, or two or more members of one household, who are jointly seeking to acquire a serviced plot of land to build a house to occupy as their sole or main residence.

In such instances couples, or members of one household, could be asked to nominate one member of the couple or household to apply for entry on the register as an individual.

Alternatively they could be advised to apply for entry on the register as an association. But if more than one individual application is made by the couple or the members of one household, and each of the individuals is eligible for entry on the registers, the authority must make the relevant entries on the register.

Can relevant authorities restrict entry on the register to local people?

Relevant authorities cannot currently adopt additional eligibility criteria.

What is the relationship between the register and the Strategic Housing Market Assessment?

Local planning authorities should feed the demand data from the registers in their area, supported as necessary by additional data from secondary sources (as outlined here), into their Strategic Housing Market Assessment to understand and consider future need for this type of housing in their area. Plan makers will need to make reasonable assumptions using the data on their register to avoid double-counting households.

How should relevant authorities publicise their register?

As a minimum, relevant authorities are recommended to hold a webpage on their website that is dedicated to self-build and custom housebuilding. This should be used to set out what the authority is doing to promote opportunities for self-build and custom housebuilding in their area, explain the purpose of the register and how to apply for entry on the register.

Relevant authorities are also recommended to consider additional innovative methods of publicising their register to increase awareness of it.

Are relevant authorities required to make data on their registers publically available?

Relevant authorities are not required to publish their register but are required to publicise it. However, they are encouraged to publish, in their Authority Monitoring Report, headline data on the demand for self-build and custom housebuilding revealed by their register and other sources. This can support development opportunities for self-build and custom housebuilding by increasing awareness among landowners, builders and developers of the level and nature of demand for self-build and custom housebuilding in the local area.

Relevant authorities should consider what additional optional information (for example, general location within the authority's area, plot size preferences and type of housing intended to be built) could be requested of applicants and made available to increase opportunities for self-build and custom housebuilding in their area, having regard to data protection obligations.

The types of information relevant authorities are encouraged to publish include:

- the number of individuals and associations on their register;
- the number of serviced plots of land sought; and

- the preferences people on their register have indicated, such as general location within the authority's area, plot sizes and type of housing intended to be built, where this information has been requested by the authority and provided by an applicant.

Who does the duty to have regard to the registers apply to?

The duty to have regard to the register is not limited to the relevant authorities that must keep a register. This is because other public bodies may have responsibility for housing and redevelopment functions in an area. In addition to relevant authorities, the public bodies that are required to have regard to each self-build and custom housebuilding register that relates to their area are:

- county councils in England in areas where there are district councils;
- the Sub-Treasurer of the Inner Temple (in that person's capacity as a local authority); and
- the Under-Treasurer of the Middle Temple (in that person's capacity as a local authority).

What does having 'a duty as regards registers' mean?

The Self-build and Custom Housebuilding Act 2015 places a duty on certain public bodies (listed in the next section) to have regard to each self-build and custom housebuilding register that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.

The following guidance suggests ways in which the duty may be demonstrated in carrying out each function:

(i) Planning

The planning functions of an authority may include both plan making and decision-taking functions. The registers that relate to their area may be a material consideration in decision-taking. Authorities with plan-making functions should use their evidence on demand for this form of housing from the registers that relate to their area in developing their Local Plan and associated documents.

(ii) Housing

Local housing authorities who are under the duty to have regard to registers that relate to their areas should consider the evidence of demand for self-build and custom housebuilding from the registers when carrying out their housing functions. This includes when preparing their local housing strategies and in developing plans for new housing on land owned by the local housing authority.

(iii) Land disposal

Authorities who are under the duty to have regard to registers that relate to their areas should consider the evidence of demand for self-build and custom housebuilding in their area from the register when developing plans to dispose of land within their ownership.

(iv) Regeneration

When developing plans to regenerate their area, local authorities who are under the duty to have regard to registers that relate to their areas should consider the demand for self-build and custom housebuilding.