

15.03.1040



Local Plan Team  
Nottingham City Council  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

**17.06.2019**

Dear Sir/Madam,

### **Nottingham City Land and Planning Policies DPD (Local Plan Part 2) Consultation**

This letter includes the formal comments from the National Custom & Self Build Association (NaCSBA) to the *Main Modifications* document of the *Nottingham City Land and Planning Policies DPD*.

The National Custom & Self Build Association's mission is to substantially increase the number of people able to build or commission their own home. NaCSBA brings together developers, architects, planners, financial and warranty providers, manufacturers, self-builders, community groups and local authorities to develop, share and promote best practice in self and custom build.

This response document will explore the draft document's consideration of custom and self-build matters.

This representation will consider the Spatial Plan in the context of the *Tests of Soundness*, against which the plan will be considered at examination. These tests are:

1. **Positively Prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements
2. **Justified:** the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence
3. **Effective:** deliverable over its period based on effective joint working on cross-boundary strategic priorities
4. **Consistent with national policy:** enabling the delivery of sustainable development

#### Policy & Legislation

The Self-build and Custom Housebuilding Bill received Royal Assent on 26 March 2015. The Bill is now an Act of Parliament. This Bill seeks to establish a register of prospective custom builders who are seeking a suitable serviced plot of land and requires LPAs to keep an up to date register of people within the district that wish to build their own home. NaCSBA are pleased to note that Nottingham do keep a self-build register which prospective self-builders can sign up to via the council's website. It is however a concern that at present one cannot register on the Nottingham Self-Build Register at <http://localselfbuildregister.co.uk>. The lack of presence on this

website can give the impression that the LPA does not have a self-build register, and may send the wrong message in respect of the LPA's commitment to the register.

The above comments from the Planning Minister along with the *Right to Build* legislation clearly demonstrate how the government intended LPAs to respond to the requirements set out in the NPPF when drawing up new Local Plans. LPAs should take a proactive position to providing land and should undertake rigorous and effective evidence gathering to measure custom and self-build need in their districts. And LPAs that do not do so can expect their Local Plans to be found unsound at examination.

The Housing and Planning Act 2016 conferred on LPAs the responsibility to:

*"Give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom house building in the authority's area..."*

The Act established that evidence of such demand would be provided by registers which LPAs are required to keep in accordance with the 2015 Self-Build and Custom Housebuilding Act.

The Housing White Paper entitles 'Fixing Our Broken Housing Market' published in February 2017 stated that:

*"the Government wants to support the growth of custom built homes. These enable people to choose the design and layout of their home, while a developer finds the site, secures planning permission and builds the property."*

The paper further went on to acknowledge that:

*"The main barriers to custom built homes are access to land and finance."*

Finally, the paper demonstrated the importance with which the Government treats provision of self-build opportunities by councils by stating that:

*"If we do not believe local authorities are taking sufficient action to promote opportunities for custom-building and self-building, we will consider taking further action including possible changes to legislation."*

**Paragraph 61** of the revised National Planning Policy Framework (NPPF) sets out the requirement for Local Planning Authorities (LPA) to plan for a wide choice of high quality homes to support sustainable communities and provide greater opportunities for home ownership. It goes on to state (underlining is our emphasis):

*"The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)."*

Furthermore, the NPPF makes clear how small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The identification and promotion of small and medium sites as per the NPPF **paragraph 61** can be promoted in order to support the needs of custom and self-builders.

## Provisions within the NCLPP

NaCSBA are pleased to note that the **Nottingham City Land and Planning Policies DPD** makes mention of the requirement to meet the needs of those wishing to build their own home in **paragraph 4.7**, and that point 4 of **Policy HO1** states that the Council 'will support the provision of Self Build and Custom Build serviced plots provided that such proposals satisfy all other relevant policies within the Local Plan'.

It is however concerning that the previous wording of Policy HO1 has been watered down – the policy previously stated that developments over 10 units should 'give consideration to' the provision of self-build plots. Whilst it is accepted that this wording would not have guaranteed the delivery of any number of self-build or serviced custom-build plots, the revised wording represents a weakening of the policy. Indeed, the current wording will achieve nothing given that a custom- or self-build proposal that would 'satisfy all other relevant policies within the Local Plan' would be permissible whether it was CSB or not. As such the current policy essentially does nothing to promote CSB and does not help to meet the needs of those wishing to build their own home.

## Tests of Soundness

As a consequence of watering down the policy as previously drafted NaCSBA has concerns that the plan is not *Positively Prepared* nor *Consistent with National Policy* since the plan does nothing proactive to meet the needs of those wishing to build their own home.

In order to be consistent with national policy NaCSBA is of the view that the plan must demonstrate exactly how it will deliver self-build opportunities, not simply acknowledge that proposals that are consistent with local and national policy will be supported.

The proposal that the LPA will prepare a separate SPD for CSB if demand is demonstrated is an indication the plan is not positively prepared – it is acknowledging that the plan is reactive in this respect, rather than proactive.

It is accepted that, other than the Self-Build Register, there are few available mechanisms with which LPAs can measure demand for self-build. However, LPAs have the opportunity to require a percentage of plots on very large sites (over 50 units perhaps) to be offered as CSB opportunities, whilst including a mechanism to allow the developer to build the plot out should the demand for such plots not exist. This would be a positive and proactive way to ensure that opportunities are offered to those wishing to build their own home.

LPAs also have the ability to allow CSB in areas where developer-led residential development would not be acceptable, for example in areas that are outside but well-related to existing settlements. This would create opportunities for those wishing to build their own home.

## Recommendations

NaCSBA consider that in order to be able to demonstrate that NCC is meeting the needs of those wishing to build their own homes, at least one of the following provisions must be included within Policy HO1 to demonstrate that the plan can meet the needs of those wishing to build their own homes:

1. An acknowledgement that small-scale custom and self-build development can be appropriate outside, but adjacent to, settlement boundaries, where the proposal is sustainable and does not represent a significant incursion into the open countryside.
2. A minimum requirement for large sites to make a percentage (probably 5%) of plots available to custom and self-builders.

Please contact me if you require any additional information.

Kind regards,

[Redacted Signature]

[Redacted Name] MRTPI -Technical Representative On behalf of NaCSBA

(Managing Director of Foxley Tagg Planning)

*This representation has been prepared on behalf of NaCSBA and its supporters, who are listed overleaf and comprise businesses and organisations in the custom- and self-build sector.*