

Part I

Item No:

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Executive Member: Councillor Jane Quinton

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

SELF BUILD AND CUSTOM HOUSEBUILDING GUIDANCE NOTE

1 Executive Summary

- 1.1 This report presents the Self Build and Custom Housebuilding Guidance Note for the Panel's consideration and onward recommendation for approval by Cabinet.
- 1.2 The Self-Build and Custom Housebuilding Act 2015 places a duty on local planning authorities to keep a register of individuals and associations of individuals who wish to acquire serviced plots of land for self-build and custom housebuilding projects, and to have regard to these registers when carrying out planning and other functions.
- 1.3 Paragraph 62 of the National Planning Policy Framework (NPPF) (2023) says that "...the size, type and tenure required for different groups in the community should be assessed and reflected in policies". This paragraph then sets out a list of such groups which includes "people wishing to commission or build their own homes".
- 1.4 The adopted Welwyn Hatfield Local Plan places a requirement on sites of 100 or more non-flatted dwellings to provide 2% of serviced dwelling plots. For flatted developments, the policy will be considered on a site by site basis in the light of any other relevant Local Plan policies.
- 1.5 This Guidance Note has been prepared to provide guidance and information for potential purchasers, applicants and decision makers on how the requirements will apply to development proposals, and what the Council expects to happen in order that plots are offered for sale.

2 Recommendation

- 2.1 The Cabinet Planning and Parking Panel recommends to Cabinet that the Self Build and Custom Housebuilding Guidance Note be endorsed.
- 2.2 That Cabinet gives delegated powers to the Assistant Director (Planning) in consultation with the Executive Member for Planning, to update the Guidance Note if required in the future.

3 Explanation

- 3.1 The Government has committed to increasing the supply of housing. The Self-Build and Custom Housebuilding Act 2015 places a duty on local planning authorities to keep a register of individuals and associations of individuals who wish to acquire serviced plots of land for self-build and custom housebuilding projects, and to have regard to these registers when carrying out planning and other functions.
- 3.2 In the National Planning Policy Framework (NPPF), people wishing to commission or build their own homes are one of a number of groups who local authorities are required to assess the needs of and reflect these needs in policies.
- 3.3 Policy SP7 of the adopted Welwyn Hatfield Local Plan requires sites of 100 non-flatted dwellings to provide 2% of serviced dwelling plots, with those sites which are largely flatted to consider the feasibility of including such plots, which will be considered on a case by case basis in the light of other Local Plan policies.

- 3.4 With the adoption of the Welwyn Hatfield Local Plan and the interest from developers in bringing forward a number of larger sites, it is important to provide guidance on how the Council expects such plots to be delivered.
- 3.5 The guidance note explains the legal and policy basis for the requirement for self build plots to be delivered. It then specifies what is required in a serviced plot in terms of connections to utilities and the highways network, but also in terms of being of a regular size and shape and not encumbered by constraints.
- 3.6 The Local Plan requires plots to be appropriately marketed for at least twelve months before being considered for alternative uses. The guidance note explains what would be expected of this marketing including the use of a “plot passport” which concisely sets out the key features of the plot in question.
- 3.7 The guidance note also sets out the Council’s expectations in terms of design, access and phasing.
- 3.8 As well as providing guidance to developers, it is also intended that the guidance note will provide information to potential purchasers of plots as to what they should expect from developers in terms of plots being offered to the market and information to be provided.
- 3.9 It is also recommended that Cabinet gives delegated powers to the Assistant Director (Planning) in consultation with the Executive Member for Planning, to update the Guidance Note from time to time, where this is considered necessary in order to maintain its relevance over time, e.g., the publication of national guidance or changes to national policy, or the experience of working with developers on this issue as sites come forward. Material changes to the approach taken would be referred back to the Committee.
- 3.10 The Self Build and Custom Housebuilding Guidance Note is attached to this report as Appendix A.

4 Link to Corporate Priorities

- 4.1 The ‘*Quality homes through managed growth*’ priority is supported by projects such as moving the Local Plan to adoption and progressing Supplementary Planning Documents.

5 Legal Implications

- 5.1 Local authorities are legally required to assess the needs of those wishing to build their own homes and to reflect these needs in policy. Local Plan Policy SP7 sets out a requirement for developers of larger sites to make plots available, and this guidance note is intended to help developers, potential purchasers and decision makers understand and implement these requirements. This guidance should not be seen as a replacement for both parties seeking their own independent legal advice.

6 Financial Implications

- 6.1 There are no financial implications arising from this report.

7 Risk Management Implications

- 7.1 Reputational Risk – this guidance provides useful information for prospective purchasers and sets out the Council’s expectations to developers. However, any transactions will not involve the Council. To avoid any possible claims that the Council had “approved” any sites, the guidance makes it very clear that the Council will not be involved in any such transactions, and that prospective purchasers should take appropriate legal or other professional advice.

8 Security & Terrorism Implications

8.1 There are no security and terrorism implications arising from this report.

9 Procurement Implications

9.1 There are no procurement implications arising from this report.

10 Climate Change Implications

10.1 This guidance note is relevant to new non-flatted developments, the majority of which will currently be greenfield sites, and so has several climate change implications. Development at scale will use high levels of raw materials and energy and a function of the development will obviously lead to greater energy consumption. Development of agricultural land will inevitably lead to more hard surfacing which can have implications for surface water runoff and drainage. Details of mitigation measures for the developments as a whole will be necessary at the planning application stage.

10.2 Self build developments give the opportunity for purchasers to develop to a different design and specification to the rest of the development (subject to planning), and this may enable lower carbon or lower emissions designed properties to be constructed.

11 Policy Implications

11.1 This guidance note helps explain how Policy SP7 in the adopted Local Plan will work in practice and provides guidance to developers, prospective purchasers and decision makers on what is expected and how to comply with the policy's requirements.

12 Human Resources Implications

12.1 The Guidance Note has been prepared by the council's planning policy team. Ongoing monitoring of both the Self Build Register and on plots being delivered through planning permissions will be undertaken through the normal work of the planning team.

13 Equalities and Diversity

13.1 The principal purpose of the guidance note is to provide guidance and information for potential purchasers and applicants on how the Council expects Self Build plots to be delivered. The Guidance Note does not propose changes to existing Welwyn Hatfield Borough Council service-related policies or the development of new service-related policies. Accordingly, an Equalities Impact Assessment has not been completed.

Appendices

- Appendix A – Self Build and Custom Housebuilding Guidance Note