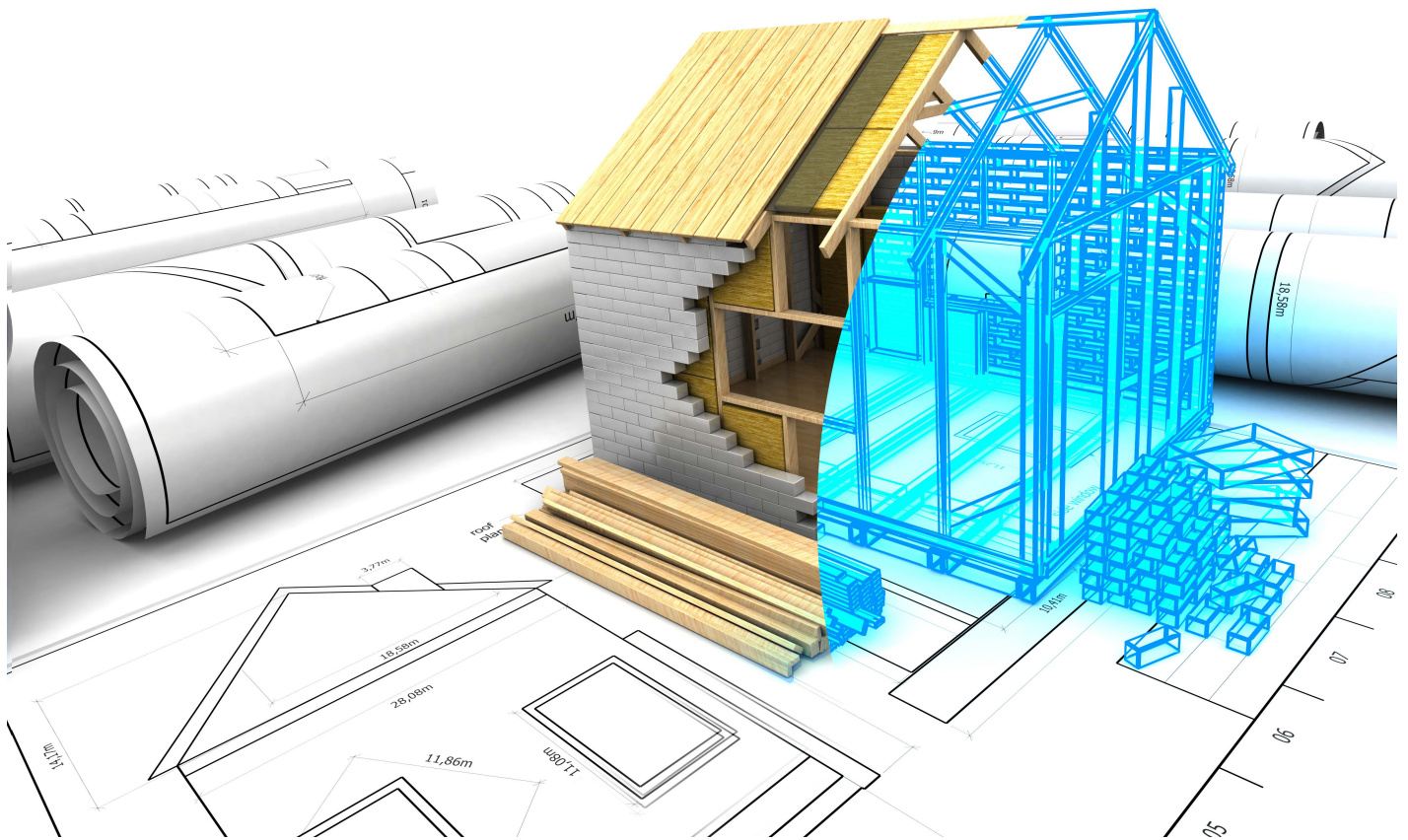


## Self-build and Custom Housebuilding Register - Guidance

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October 2021



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# Self-build and Custom Housebuilding Register - Guidance

## Introduction

- 1.1** The Government is committed to increasing the supply of housing. Self-build or custom build helps to diversify the housing market and increase customer choice. Self-build and custom housebuilders choose the design and layout of their home, and can be innovative in both its design and construction. <sup>(1)</sup>
- 1.2** The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) places a duty on local planning authorities to keep a register of individuals and associations of individuals, who are seeking to acquire serviced plots of land for self-build and custom housebuilding in their area as well as have regard to the register when they are carrying out their planning, housing, regeneration and disposal of land functions.
- 1.3** This guidance has been prepared to provide additional information about the Harrogate Borough Council Self-build and Custom Housebuilding Register. The guidance seeks to provide answers to the following questions:
- What is self and custom build housing?
  - Why does the Council hold a Self-build and Custom Housebuilding Register?
  - Why should I join the Self-build and Custom Housebuilding Register?
  - I'm already on the Register. Do I need to re-apply?
  - How will the new Self-build and Custom Housebuilding Register operate?
  - How do I apply to be entered onto the Council's Self-build and Custom Housebuilding Register?
  - Will the Council publish details of people who are registered?
  - Who is eligible for registration?
  - Why has the Council introduced local eligibility criteria?
  - What information will I be required to provide to support my application?
  - How much is the fee to be entered onto the Self-build and Custom Housebuilding Register?
  - What happens once I have applied to be entered onto the Self-build and Custom Housebuilding Register?
  - When will I be removed from the Self-build and Custom Housebuilding Register?
  - Will the Council find me a site to build a house on?
  - Are self and custom built houses exempt from the Community Infrastructure Levy (CIL)?
  - Planning conditions, design codes, plot passports etc.
  - Affordable Housing and Self and Custom Housebuilding
  - Monitoring
  - How do I find out more information on self and custom house building?

## 2 What is self and custom build housing?

### What is self and custom build housing?

- 2.1** **Self-Build** is where someone directly plans the design and construction of their own home. Finding and buying the plot of land and either physically undertaking the work themselves as a 'DIY' project or arranging for a contractor to build their home for them. A Self Build project usually involves the construction of a single home, including conversion projects and extensive renovations, including demolition and rebuild.
- 2.2** **Custom-Build** projects are where someone works with a specialist enabling developer to deliver their new home. In this scenario, the custom builder may secure the site for you and manage the build of your home.
- 2.3** The National Planning Policy Framework (NPPF) 2021 and National Planning Policy Guidance (NPPG) provides national guidance to support self and custom housebuilding.
- 2.4** Harrogate and District Local Plan 2014-2035 adopted in 2020 includes Policy HS3: Self and Custom Building Housing.

### Policy HS3: Self and Custom Build Housing

On strategic sites of 500 dwellings or more, developers will be required to supply at least 5% of dwelling plots for sale to self-builders, subject to demand being identified by the council, by reference to the council's Self and Custom Build Register, supported as necessary by other sources of evidence in-line with the provisions identified in paragraph 5.30. In determining the nature and scale of any provision, the council will have regard to viability considerations and site specific circumstances.

Where a developer is required to provide self build plots, the plots should be made available and marketed appropriately for at least 12 months. Where plots which have been appropriately marketed have not sold within this time period, these plots may be built out as conventional market housing by the developer.

Table 2.1

- 2.5** The policy makes a specific requirement for plots to be delivered on strategic sites. It is expected that a proportion of plots to meet the demand identified by the self-build and custom housebuilding register will come forward on strategic sites. Small windfall sites are also expected to play a role in meeting demand from self-builders who wish to purchase an individual plot which does not form part of a larger housing site.
- 2.6** Where the developer of a strategic site of 500 dwellings or more is required to provide self-build plots, it will be expected that plots have have been made available and marketed appropriately for a least 12 months. Where the plots are not sold they will be able to be built out by the developer. Developers will be required to demonstrate to the local planning authority that appropriate marketing has been undertaken prior to the self-build plots being released for development. For further information, the policy wording and policy justification text please visit [www.harrogate.gov.uk/localplan](http://www.harrogate.gov.uk/localplan)

## Why does the Council hold a Self-build and Custom Housebuilding Register? 3

### **Why does the Council hold a Self-build and Custom Housebuilding Register?**

- 3.1** The Council is required to develop a register of people who are seeking land to build a home, in line with The Self Build and Custom Housebuilding Regulations 2016. The Council must have regard to the register when carrying out their planning, housing and regeneration functions.
- 3.2** The Council must give permission to enough suitable plots of land to meet the demand for self and custom housebuilding. The level of demand is established by reference to the authority's register.

## 4 Why should I join the Self-build and Custom Housebuilding Register?

### Why should I join the Self-build and Custom Housebuilding Register?

- 4.1 If you are actively looking for a self or custom build plot it is important you apply to join the Register. Local Planning Authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The demand is assessed by the number of entrants on the Register.
- 4.2 However there is no duty on a local planning authority to permission land which specifically meets the requirements expressed by those on the register. Relevant authorities should use preferences expressed by those on the register to guide their decisions when looking at how to meet the duty to grant planning permission etc. This will help ensure that relevant authorities permission land suitable for self-build and custom housebuilding which people are actually keen to develop <sup>(2)</sup>.



## I'm already on the Register. Do I need to re-apply? 5

### I'm already on the Register. Do I need to re-apply?

- 5.1** If you are already on the Council's Register you **do not** need to re-apply as we already have your interest logged and your interest is already feeding into the demand for self and custom housing plots for the district.
- 5.2** However if you would like to apply to to be entered onto the new Register we ask that you apply to be removed from the existing register to ensure the Council are not double counting; details on how to be removed from the register are set out below in **Section 14** *When will I be removed from the Register*. To ensure our data is robust duplicate entries will be deleted.
- 5.3** The feedback from your application for entry onto the Register will help the Council in seeking to achieve up-to-date and robust data on the demand for self and custom build housing in the district, which will, in turn, help feed into current and future work into the provision of self and custom build plots, duplicate entries and double counting would undermine this data.
- 5.4** Going forward the Council will be in touch with all those on the existing register to ensure their details are up-to-date, asking whether they wish to remain on the Register, this would be undertaken on an annual basis.

## 6 How will the new Self-build and Custom Housebuilding Register operate?

### How will the new Self-build and Custom Housebuilding Register operate?

**6.1** Following the guidance in the NPPG and the Regulations, the Council's new Self-build and Custom Housebuilding Register is split into two parts. The reasoning behind this approach is set out in detail below.

- Relevant authorities who choose to set a local connection test are required to have two parts to their register. Individuals or associations of individuals who apply for entry on the Register and meet all the eligibility criteria must be entered on Part 1. Those who meet all the eligibility criteria except for a local connection test must be entered on Part 2 of the register.<sup>(3)</sup>
- For eligibility onto Part 1 of the Harrogate Self-build and Custom Housebuilding Register entrants must also pay the administration fee set by the Council; please see **Section 12** '*How much is the fee to be entered onto the Register*' for more information.
- Relevant authorities must count entries on Part 1 of the register towards the number of suitable serviced plots that they must grant development permission for.
- Entries on Part 2 do not count towards demand for the purpose of the 2015 Act (as amended) but relevant authorities must have regard to the entries on Part 2 when carrying out their planning, housing, land disposal and regeneration functions.
- For plan making the starting point for establishing overall demand for self-build and custom housebuilding in the district would be the number of registrants on Part 1 and Part 2 of the register<sup>(4)</sup>.

3 NPPG Paragraph: 017 Reference ID: 57-017-20170728 Revision date: 28 07 2017

4 Paragraph: 018 Reference ID: 57-018-20210208 Revision date: 08 02 2021

## How do I apply to be entered in the Self-build and Custom Housebuilding Register? 7

### How do I apply to be entered in the Harrogate Borough Council Self-build and Custom Housebuilding Register?

- 7.1** Please visit the Self and Custom Build webpage on the Council's website at [www.harrogate.gov.uk](http://www.harrogate.gov.uk) and click on the link to make an application for entry onto the Register.
- 7.2** Individuals should only apply to join one Register and where a single plot is sought for a household only one application to the Register should be made, multiple applications for a single plot from the same household should not be made.
- 7.3** You can apply either as an Individual or as an Association.
- As set out in the NPPG 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<sup>(5)</sup>.
- 7.4** If the application is made by an association of individuals, then each member of the association must meet the eligibility criteria.
- 7.5** Where couples are applying for entry onto the register, or two or more members of one household, who are jointly seeking to acquire a serviced plot of land, are applying, only **one** application is required.
- 7.6** This is also the case for associations, in this instance the lead contact should make the first application and will be given a unique reference number which the other members of the association will use when they apply.
- For example where an association of individuals are seeking a site with 4 plots, the lead applicant will apply first. The other three applicants, who are also members of the association, will then apply to join the register using the lead contacts unique reference so their application can be linked up. The Register then counts this as one entry for 4 plots. As set out above each member of the association must meet all the eligibility criteria.

## 8 Will the Council publish details of people who are registered?

### Will the Council publish details of people who are registered?

- 8.1** The Council will not publish details of individuals who have signed up to the register. The only information which we may publish on a periodic basis is:
- The number of individuals and associations on the register
  - The number of serviced plots sought across the district
  - A summary of general preferences that have been indicated such as where people want to build their own home and the types of property they are looking to build etc.
- 8.2** Your details will be held securely and in accordance with the rules on data protection. We will treat your personal details as private and confidential, and safeguard them. We will not disclose these details to those unconnected with the Council unless you have consented to their release, or when:
- We are legally obliged to do so;
  - Disclosure is necessary for proper discharge of our statutory functions;
  - Disclosure is necessary to enable use to provide you with a requested service, or deal with your enquiry;
  - We are under a duty to protect public funds;
  - Where "legitimate interests" are relied on in relation to specific processing operations;
  - We may use the information you have provided for the prevention and detection of fraud. We may also share this information with other bodies responsible for public funds or auditing them for these purposes.
- 8.3** For more information on privacy and how we use your data please take a look at our privacy notice at [www.harrogate.gov.uk/privacynotice](http://www.harrogate.gov.uk/privacynotice)

## Who is eligible for registration? 9

### Who is eligible for registration?

**9.1** The Harrogate Borough Council Self-build and Custom Housebuilding Register is divided into two parts, referred to as Part 1 and Part 2 of the register. In line with the guidance in the NPPG <sup>(6)</sup> Applicants must meet all of the eligibility criteria for entry onto Part 1 of 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 over;
- be a British citizen, a national of an EEA State other than the United Kingdom, or a national of Switzerland;
- satisfy local eligibility conditions set by the relevant authority, in this case Harrogate Borough Council, (see below);
- have paid any fee required by the relevant authority to enter or remain on the register; and
- be seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area for their own self-build or custom-build housebuilding project

### Local eligibility conditions

**9.2** In addition to the criteria above, the following local eligibility criteria have been set for entry to Part 1 of the Harrogate Borough Council Self-build and Custom Housebuilding Register:

#### 1. Local connection

Only individuals who have a local connection to the Harrogate district are eligible. For associations of individuals each member must have a local connection to the district.

Local connection is established by way of one or more of the following:

- An applicant currently lives in the district and has done so for at least two years;
- An applicant has previously lived in the district for a continuous period of ten years;
- An applicant has close family living in the district, who have done so for at least five years, e.g. children, parents, brothers and sisters only.
- An applicant has employment in the district. Employment must be for a minimum period of 12 months, for at least 16 hours per week and the main place of work must be within the district;
- Those who are currently serving in the armed forces of the Crown or who were serving in the armed forces of the Crown at any time in the 5 years preceding their application to the Self-build and Custom Housebuilding Register.

#### 2. Financial eligibility

Only individuals who have sufficient resources to purchase land for their own self or custom build are eligible. For associations of individuals the association collectively must have the ability to purchase a site.

## 9 Who is eligible for registration?

- 9.3** An association is eligible for entry onto Part 1 of the register if **each** member of the association meets **all** the eligibility criteria above.
- 9.4** Where an individual does not meet all of the local eligibility criteria, but meets the criteria set out in Paragraph 6.1 above, they will be able to apply for entry onto Part 2 of the register. This also applies for associations.

## Why has the Council introduced local eligibility criteria? 10

### Why has the Council introduced local eligibility criteria?

- 10.1** Local Authorities have a legal duty to hold a Self-build and Custom Housebuilding Register through the Self and Custom Housebuilding Act 2015, and a statutory duty under the Housing and Planning Act 2016 to grant sufficient planning consents to meet the demand on the Council's register.
- 10.2** Given the challenges of identifying enough land in sustainable locations to meet the objectively assess need for housing within the Harrogate district, it is considered appropriate for the Council to introduce a local connection test to ensure that priority is given to meeting the needs of those with a genuine connection to the local area.
- 10.3** It is also considered that a financial eligibility test whereby applicants would be required to confirm that they have sufficient resources to purchase land in the district for their own self or custom build housing project would ensure the register is a robust indicator of demand for plots.
- 10.4** The Council are seeking to use the demand data from the registers to understand and consider the current and future need for self and custom build housing plots in the district.

## 11 What information will I be required to provide to support my application?

### What information will I be required to provide to support my application?

#### General information

- 11.1** The following information will be accepted in support of your application for entry onto Part 1 of the Register. Applicants will be able to upload this supporting information as part of their online registration form.
- 11.2** For associations, information must be provided for **each** individual.
- 11.3** For entry onto Part 2 of the Register you will be required only to confirm you meet the national eligibility criteria set out in **Section 9** *Who is eligible for registration?*

| No. | Question      | Notes  |
|-----|---------------|--|
| 1   | Name          | <p><b>Proof of identity required.</b></p> <p>Acceptable evidence:</p> <ul style="list-style-type: none"> <li>• Passport; or</li> <li>• UK full or provisional photo-card driving licence or an EU/other nationalities full photo-card driving licence; or</li> <li>• Birth, Marriage or Civil Ceremony Certificate</li> </ul>  |
| 2   | Address       | <p><b>Proof of address required.</b></p> <p>Acceptable evidence:</p> <ul style="list-style-type: none"> <li>• UK full or provisional photo-card driving licence; or</li> <li>• recent Council Tax or utility bill (gas, water, electric or land-line telephone) from current address; or</li> <li>• most recent HM Revenue &amp; Customs tax notification (i.e. tax assessment statement, statement of account, notice of coding) please note a P45 or P60 is <u>not</u> acceptable; or</li> <li>• recent bank or building society statement with address; or</li> <li>• recent mortgage statement from a recognised lender</li> </ul> |
| 5   | Date of Birth | <p><b>Proof of age required.</b></p> <p>Acceptable evidence:</p> <ul style="list-style-type: none"> <li>• Passport; or</li> <li>• UK full or provisional photo-card driving licence or an EU/other nationalities full photo-card driving licence; or</li> <li>• Birth, Marriage or Civil Ceremony Certificate.</li> </ul>  |



## What information will I be required to provide to support my application? 11

| No. | Question    | Notes   |
|-----|-------------|---|
| 6   | Nationality | <p><b>Proof of nationality required.</b></p> <p>Acceptable evidence:</p> <ul style="list-style-type: none"> <li>• Passport; or</li> <li>• Birth Certificate.</li> </ul> |

Table 11.1

### Local connection test

- 11.4** Consistent with the Self-build and Custom Housebuilding Regulations 2016 Regulation 5(4) Harrogate Borough Council have set the following criterion, which all individuals (including associations of individuals) must satisfy in order to be eligible for entry onto Part 1 of the Harrogate Borough Council Self-build and Custom Homebuilding Register.
- 11.5** Applicants must demonstrate to the Council's satisfaction that the applicant has a local connection to the district. The application form asks the following questions;

| Question   | Notes   |
|--|---|
| Have you lived in Harrogate district for at least two years?   |   |
| Have you previously lived in Harrogate district for a continuous period of ten years?  |   |
| Have you got close family living in the district? Close family who have lived in the district for at least five years?   | Close family is taken to mean children, parents, brothers and sisters only.   |
| Are you employed in the district?  | Please only answer YES if your job is a permanent post, within which you have been employed for a minimum of 12 months and where you work no less than 16 hours per week, or where you have a fixed term contract for no less than 12 months. |
| Are you currently serving in the armed forces of the Crown or were you serving in the armed forces of the Crown at any time in the 5 years preceding this application? |   |
| Confirmation you have a local connection.  | By ticking <b>YES</b> you are confirming you have a local connection.<br>In the interests of data monitoring you may be asked to provide evidence of how you would fund your Self or Custom Build project.                                    |

Table 11.2

## 11 What information will I be required to provide to support my application?

- 11.6** In order to be eligible for part 1 of the register, you must have a local connection to the district and be able to answer YES to one of the questions above. In the interests of data monitoring you may be asked to provide evidence of your local connection.

### Financial eligibility test

- 11.7** Consistent with the Self-build and Custom Housebuilding Regulations 2016 Regulation 5(4) Harrogate Borough Council have set the following criterion, which all individuals (including associations of individuals) must satisfy in order to be eligible for entry onto Part 1 of the Harrogate Borough Council Self-build and Custom Homebuilding Register.
- 11.8** Applicants must demonstrate to the Council that the applicant has sufficient resources to purchase land for their own self and custom housebuilding, this is in line with the guidance in the NPPG; 'In designing a financial solvency test, relevant authorities may wish to assess whether the applicant can afford to purchase the land.'<sup>(7)</sup> The Regulations do not require evidence of sufficient resources to cover build costs or other associated costs.
- 11.9** The Right to Build Task Force (funded by the Ministry of Housing Communities and Local Government, now the Department for Levelling Up, Housing and Communities) were established by the National Custom and Self-Build Association (NaCSBA) in 2017. The Task Force are in the process of publishing Good Practice Guidance. PG9 'Using register numbers to identify plots to be permitted', was issued in October 2020 and was updated in March 2021 the Council's Register and guidance notes have been prepared following the assessment of this good practice guidance and the national guidance.
- 11.10** The financial information requested will allow the Council to assess the budget of applicants seeking a self or custom build plot which in turn will allow the Council to assess the type of sites under demand.
- 11.11** The advice set out by the Task Force is that 'any financial solvency test should be straight forward to operate and be consistent with mortgage lending assumptions (even if a mortgage is not required). A reasonable approach is to assess the ability to purchase land is to use available deposit plus 4.5 x household income. The deposit could come from the sale of a current home and a 20% deposit is appropriate. The test should be based on a minimum cost of land and not the average. A customer declaration should be sufficient and information need not be evidenced.'<sup>(8)</sup>
- 11.12** However, in the interests of data monitoring, the Council **may** ask, on occasion, for evidence of an applicant's finances.
- 11.13** For associations, information must be provided for **each** individual.
- 11.14** The application form asks the following questions;

| Question                                       | Information required   |
|--|--|
| How much have you budgeted to purchase a plot? | <ul style="list-style-type: none"> <li>• £100,000</li> <li>• £200,000</li> <li>• £300,000</li> <li>• £400,000</li> <li>• £500,000</li> </ul> |

7 NPPG Paragraph: 020 Reference ID: 57-020-20210508 Revision date: 08 02 2021

8 Para. 48 of Right to Build Task Force PG9 'Using register numbers to identify plots to be permissioned'

## What information will I be required to provide to support my application? 11

| Question   | Information required   |
|--|--|
|  | <ul style="list-style-type: none"> <li>• More than £500,000</li> <li>• None</li> </ul>   |
| How do you intend to purchase the plot?  | <ul style="list-style-type: none"> <li>• Mortgage</li> <li>• Savings</li> <li>• Mortgage and Savings</li> <li>• Other</li> </ul>   |
| Indicate your gross household income   | <ul style="list-style-type: none"> <li>• Under £9,000</li> <li>• £10,000 - £24,999</li> <li>• £25,000 - £49,999</li> <li>• £50,000 - £74,999</li> <li>• £75,000 - £99,999</li> <li>• £100,000 plus</li> </ul>  |
| Confirmation you have sufficient funds to progress a self or custom house build. | <p>By ticking <b>YES</b> you are confirming you have sufficient funds to progress a Self or Custom Build project.</p> <p>In the interests of data monitoring you may be asked to provide evidence of how you would fund your Self or Custom Build project.</p> |

Table 11.3

**11.15** In order to be eligible for Part 1 of the register, in addition to having a local connection to the Harrogate district, you must have sufficient funds. In the interests of data monitoring you may be asked to provide evidence you have sufficient funds and / or evidence of your local connection to the district.

### Additional questions to ascertain demand for plots in the district

**11.16** The Register asks additional voluntary questions on preferred location, plot size, plot type, tenure, type of house wanted, number of bedrooms and current timescales to assess when entrants would be seeking to start their self or custom build project.

**11.17** While this information is voluntary the data will enable the local authority to fully understand the demand for self and custom build plots within the district.

### Costs to be considered for a self or custom build project

**11.18** When considering a self or custom build project it is important to consider all potential costs. In addition to the cost of land and build costs, there are likely to be legal and professional fees, and where an existing home is sold, accommodation costs will also need to be factored into the overall costs involved.

**11.19** For further help and advice please see **Section 20** *How do I find out more information on Self and Custom housebuilding?*

## 12 How much is the fee to be entered onto the Register?

### How much is the fee to be entered onto the Register?

- 12.1** The Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016 allow relevant authorities to charge a fee to a person to be entered onto the authority's register for a base period or part of a base period and, thereafter, on an annual basis.
- 12.2** As set out above Harrogate Borough Council's Self-build and Custom Housebuilding Register is split in two parts.
- 12.3** The administration fee for entry on to the Harrogate Borough Council Self-build and Custom Housebuilding Part 1 Register is **£80.00**. Entry onto the Part 2 Register is free of charge.
- 12.4** Beyond initial registration an annual administration fee of **£25.00** will be charged to those individuals wishing to remain on Part 1 of the register. There will be no annual charge to remain on Part 2 of the register.
- 12.5** Fees can only be set on a cost recovery basis. Fees charged must be proportionate, reflect genuine costs incurred<sup>(9)</sup>. The Council undertook an assessment of the level of staff time involved in assessing new applications and administering the Register, then undertook a bench marking exercise looking at the fees charged by other local authorities around the country. It is considered that the £80.00 administration fee for entry onto the Part 1 Register and the £25.00 annual administration fee for all those on the Part 1 Register is proportionate and fair.
- 12.6** In line with the NPPG the Council will review the fees periodically.

## What happens once I have applied to be entered onto the Self and Custom Build Register? 13

### What happens once I have applied to be entered onto the Harrogate Borough Council Self-build and Custom Housebuilding Register?

**13.1** Once we have received your completed application we will:

- Determine your application within 28 days of receiving it.
- If the applicant is eligible for entry to Part 1 of the register, we will make an entry on the register and let you know this has been done within 28 days of determination. If the application is from an association we will only notify the lead contact as identified in the application.
- If the applicant is not eligible for entry to Part 1 of the register we will write to you to explain the reasons why, giving you an opportunity to submit further evidence to support your application.
- If the applicant is still not eligible for Part 1 of the register we will write to you to explain the reasons why you are eligible only for Part 2 of register, or not eligible for entry onto either part of the register, as the case may be, within 28 days of determination. If the application is from an association we will only notify the lead contact identified in the application.
- If you are unsuccessful you will have the opportunity to appeal the decision. Appeals should be made in writing to the **Planning Policy team** the contact details are set out in **Section 20** *How do I find out more information on Self and Custom housebuilding?*

## 14 When will I be removed from the Register?

### When will I be removed from the Register?

**14.1** In order to keep the Self-build and Custom Housebuilding Register up to date the Council will contact you annually to check whether you wish to remain on the Register. You may ask to be removed from the Register, for example, if you have acquired a plot for your self or custom build project or you are no longer seeking a self or custom build plot in the Harrogate District.

**14.2** However, whatever your reason you may apply for removal from the register at any time.

Please send your request in writing to;

**Place-shaping and Economic Growth,**

**Planning Policy**

**Harrogate Borough Council**

**PO Box 787**

**Harrogate**

**HG1 9RW**

Or via email to:

[PlanningPolicy@harrogate.gov.uk](mailto:PlanningPolicy@harrogate.gov.uk)

**14.3** In addition, if we consider that an individual or member of any association is no longer eligible (based on the annual re-registration information) we may remove the entry from the Register. In such cases we will notify the individual (or lead contact in the case of an association) in writing 28 days of the date of our decision, giving the reasons for the decision.

## Will the Council find me a site to build a house on? 15

### Will the Council find me a site to build a house on?

- 15.1** Registering your interest for a self or custom build plot does not guarantee that a suitable plot will be identified or become available for specific individuals.
- 15.2** The Council must give permission to enough suitable plots of land to meet the demand for self and custom housebuilding. The level of demand is established by reference to the authority's register. Whilst the Council will use the answers to the questions on the Register to gain a better understanding of people's preferences to guide decisions when undertaking planning functions, the Council does not have a duty to permission land which specifically meets the requirements expressed by those on the register.
- 15.3** The Council is looking into how it may be able to inform those on the Register when self and custom build plots have been granted permission. This could include forwarding details of landowners / developers onto those on the Register (subject to where consent has been obtained) so that those on the Register are aware who to contact with regard to purchasing a plot.
- 15.4** The Council are also exploring ways in which to communicate, advise and support those entrants on the Council's Register.
- 15.5** It should also be noted that the Council does not offer financial assistance to self or custom housebuilders to secure plots.

## 16 Are self and custom built houses exempt from the Community Infrastructure Levy (CIL)?

### Are self and custom built houses exempt from the Community Infrastructure Levy (CIL)?

- 16.1** Self and custom build houses are exempt from CIL.
- 16.2** The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008 as a tool for Local Authorities in England and Wales to help delivery infrastructure to support the development of their area. Further information is available at [www.harrogate.gov.uk/cil](http://www.harrogate.gov.uk/cil)
- 16.3** Self and custom build dwellings are exempt from CIL but there are particular criteria that must be met and the relief must be claimed using the prescribed form. Applicants are strongly advised to read the information relating to CIL on both the Planning Portal and the National Planning Practice Guidance, to ensure an exemption is not lost as the result of disqualifying events. Typical disqualifying events include:
- Making changes to an exempt development during construction (e.g. a Section 73A application)
  - Selling or letting out an exempt self-build property within three years of occupation.
- 16.4** In such events, the exemption is lost and the CIL that would have been due becomes payable with immediate effect. A surcharge may also apply.
- 16.5** If you commence development before the grant of CIL exemption/relief, no relief can be applied, and you become liable for the full charge.
- 16.6** Any planning application for a self or custom build house seeking exemption from CIL must be supported by a CIL Form 7: Self-Build Exemption Claim – Part 1.
- 16.7** Please note you will also need to submit Form 7: Self-Build Exemption Claim Form - Part 2 within 6 months of having completed the dwelling. The following evidence will need to be submitted to support your claim for self build CIL exemption.
- a. A compliance certificate for this development issued under either:
    - regulation 17 (completion certificates) of the Building Regulations 2010 or
    - section 51 of the Building Act 1984 (final certificates)
  - b. Title deeds of the property to which this exemption relates (freehold or leasehold)
  - c. Council Tax bill or certificate
- 16.8** Two further proofs of occupation of the home as sole or main residence would also be required, showing your name and address of the property, which can include;
- Utility Bill
  - Bank Statement
  - Local electoral roll registration
- 16.9** You would also need to submit a copy of one of the following items (and review the notes below);
- a. An approved claim from HM Revenue and Customs under 'VAT431NB:VAT Refunds for DIY housebuilders'



## Are self and custom built houses exempt from the Community Infrastructure Levy (CIL)? 16

- b. Proof of a specialist Self Build or Custom Build Warranty <sup>(10)</sup> for your development
- c. Proof of an approved Self Build or Custom Build Mortgage <sup>(11)</sup> from a bank or building society for your development.

**16.10 Please note:** The Charging Authority has the discretion, but is not required, to accept other forms of documentary evidence instead of any of the items (a-c) above. This should be agreed in advance with the Charging Authority (at the point of making the Part 1 application for the exemption or as soon as possible thereafter) but the Charging Authority may still consider utilising discretion at this Part 2 stage of the process.

**16.11** Further information is available in the Harrogate CIL Guidance and FAQs on line at [www.harrogate.gov.uk/cil](http://www.harrogate.gov.uk/cil)

**16.12** Subject to CIL exemption being granted, the Council will record the details on the Land Charges Register. Relief will be subject to clawback for a set period, meaning that if a disqualifying event occurs, then CIL will be payable.

10 A Self Build or Custom Build Warranty is a warranty and Certificate of Approval issued by a Warranty provider which provides a 'latent defects insurance' policy and which is accompanied by certified Stage Completion Certificates (SCC) issued to the owner/occupier of the home

11 A Self Build or Custom Build Mortgage is an approved mortgage arranged to purchase land and/or fund the cost of erecting a home where the loan funds are paid to the owner/occupier in stages as the building works progress to completion

## 17 Planning conditions, design codes, plot passports etc.

- 17.1** Self and custom build dwellings can often be secured by a S106 Agreement, Unilateral Undertaking or by planning condition; you will need to ensure you can meet the necessary requirements.
- 17.2** Occupiers may be required to prove they have had a primary input into the design of the dwelling and confirm they intend to live in the property for at least 3 years. Occupiers may have to notify the Council to confirm they have met the conditions of the planning permission, or wording of the S106 Agreement or Unilateral Undertaking.
- 17.3** Plots may be subject to design codes, plot passports or development briefs which set out the parameters of your new build, this may cover the scale of the development (footprint, mass) materials, design etc.

## Affordable Housing and Self and Custom Housebuilding 18

### Affordable Housing and Self and Custom Housebuilding

- 18.1** The Council will continue to explore how self and custom housebuilding can help provide affordable housing. If you would like to explore this further we recommend you use the Council's pre-application enquiry service please visit [www.harrogate.gov.uk/planningapplications](http://www.harrogate.gov.uk/planningapplications) for more information.

## 19 How does the Council undertake its monitoring?

### How does the Council undertake its monitoring?

- 19.1** The Council publishes its Authority Monitoring Report annually which can be viewed online at [www.harrogate.gov.uk/amr](http://www.harrogate.gov.uk/amr). The report includes a section on Self and Custom Housebuilding which sets out the number of self and custom build plots permitted within the year and the number of eligible entries received (from both individuals and associations) onto Council's Self-build and Custom Housebuilding Register in the relevant base period (31 October - 30 October) to assess whether the demand on the Register has been met. The authority has three years from the end of each base period within which to grant the required number of development permissions <sup>(12)</sup>
- 19.2** The number of plots delivered during the reporting year will be monitored through CIL exemption certificates, assessment of planning applications and their decision notices, and other approved methods <sup>(13)</sup>.
- 19.3** This information will also help to inform the delivery of self and custom build plots across the district.

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12 Regulation 2 of the Self and Custom Housebuilding (Time for compliance and fees) Regulations 2016

13 NPPG 038 Reference ID: 57-038-20210508 Revision date: 08 02 2021

## How do I find out more information on self and custom housebuilding? 20

### How do I find out more information on Self and Custom housebuilding?

**20.1** The following links in external agencies may help you to develop your ideas for building your own home.

- Self Build Portal [www.selfbuildportal.org.uk](http://www.selfbuildportal.org.uk)
- National Custom and Self Build Association (NaCSBA) [www.nacsba.org.uk](http://www.nacsba.org.uk)
- Right to Build Task Force [www.righttobuild.org.uk](http://www.righttobuild.org.uk)
- Build Store [www.buildstore.co.uk](http://www.buildstore.co.uk)

**20.2** The Planning Policy team can be contacted

| Planning Policy Team |  |
|----------------------|--|
| Telephone            | 01423 500600   |
| Address              | Civic Centre PO Box 787 Harrogate HG1 9RW  |
| Website              | <a href="http://www.harrogate.gov.uk">www.harrogate.gov.uk</a>                       |
| Email                | <a href="mailto:planningpolicy@harrogate.gov.uk">planningpolicy@harrogate.gov.uk</a> |

Table 20.1

## 21 Appendix 1

### Appendix 1

Some self and custom build plots may be subject to conditions and/or legal agreements, these may include restrictions on purchase and occupation to those who have had a primary input into the design and layout of the dwellinghouse and who intends to live in it for at least 3 years. The wording may include time limits for completing and occupying the self or custom build dwelling, there may be penalties for those who do not meet the restrictions. It is important to look carefully at the wording of both planning conditions and any legal agreements associated with the land.

Providers will be required to market appropriately serviced plots and ensure they remain available for at least 12 months. After 12 months, if a serviced plot has been made available and actively marketed at a price, agreed by the Local Planning Authority to be reasonable, but has not sold, the plot can either remain on the open market or built out by the developer in accordance with the Design Code (where a Design Code is in place) and other relevant Local Plan policies.

Self and Custom Build dwellings can often secured by S106 or a Unilateral Undertaking <sup>(14)</sup> The following or similar wording may be used.

- a. The owners covenant that each residential unit shall be constructed as a self or custom build dwelling;
- b. The first occupation of each unit shall be by a person or persons who had a primary input into design and layout and who intends to live in it for at least 3 years
- c. The Council shall be notified of the persons who intend to take up first occupation at least two months prior to first occupation.

For multi-plot developments a S106, unilateral undertaking or condition could specify:

- a. arrangements for marketing of the custom build parcel of land (i.e. the area within the major development which has been agreed and identified through a masterplan/parameters plan); and
- b. arrangements for the marketing of custom build plots made available ; and
- c. phasing of bringing custom build plots to market with clear trigger points tied to occupation of market homes/buildings delivered pursuant to the outline permission.

Where multi-plot sites are approved the Council are exploring ways to communicate this information with those entrants on the Council's Self-build and Custom Housebuilding Register.



