



Portfolio Holder Report

The portfolio holder will make a decision on this item after seven days have elapsed (including the date of publication).

Report of:	Portfolio Holder	Date of publication
Steve Smith, Assistant Director of Planning and Building Control	Councillor Peter Le Marinel, Planning Policy and Economic Development Portfolio Holder	30 May 2024

Self and Custom Build Register

Key decision: No

1. Purpose of report

1.1 To seek approval to implement a two-part self-build register where applicants will be required to satisfy local eligibility conditions including local connection and financial solvency criteria.

1.2 To seek approval to set a fee, on a cost recovery basis, to operate and maintain a two-part self-build register.

2. Council priorities

2.1 Deliver high quality, value for money services that meet the needs of our customers.

2.2 Use data, business intelligence and research to inform us in making better evidence-based decisions and improve our services.

3. Recommendations

3.1 That approval is given to create a two-part self-build register by applying local eligibility criteria as set out below.

3.2 That approval is given to set fees, on a cost recovery basis, to join the register and also to remain on the register annually.

4. Background

- 4.1** The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) designates councils responsible for keeping a self-build and custom housebuilding register. The register can support a greater understanding of the nature of demand for self-build and custom housebuilding in the borough, inform local planning policies and assist in bringing forward appropriate land.
- 4.2** The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) enables relevant authorities to include up to two optional local eligibility tests. These are limited to a local connection test and a financial solvency test. Authorities are advised to ensure that they provide clear information to individuals and groups on the rationale underpinning local eligibility tests. Relevant authorities are advised to consult on their proposals before they introduce an eligibility test, and to review them periodically to ensure that they remain appropriate and that they are still achieving the desired effect.
- 4.3** Authorities who choose to set a local eligibility 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.
- 4.4** Authorities should ensure that any additional information requested is relevant, proportionate and reasonable.
- 4.5** Authorities must count entries on Part 1 of their 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 authorities must have regard to the entries on Part 2 when carrying out their planning, housing, land disposal and regeneration functions.
- 4.6** At present Wyre Council holds only a one-part register and does not charge a fee to join or maintain the register. Many local authorities across England operate a two-part register, charging a fee to join and a fee to remain on the register. Neighbouring authorities operating a two-part register include Fylde Borough Council, Ribble Valley Council, Preston City Council and West Lancashire Council.

5. Key issues and proposals

- 5.1** At present when applicants join our self-build and custom housebuilding register, the questions asked are not precise enough to justify setting up two separate parts of the register. Operating a two-part register will provide more reliable and credible data that can be used when determining demand for self-build and custom housebuilding and enable us to prioritise meeting the housing needs of local people.

- 5.2** Currently an applicant must meet the following eligibility criteria for entry on the register:
- Be aged 18yrs or older.
 - Be a British Citizen, a national of an EEA state other than UK, or a national of Switzerland.
 - Be seeking (either alone or with others) to acquire a serviced plot of land within the Borough for their own self-build and custom housebuilding project.

- 5.3** It is proposed that all the above criteria will remain and in addition, applicants will be required to meet the following:
- Local Connection Criteria defined as a) applicant is a current resident of Wyre for the last three years or b) applicant is currently employed in Wyre and working over sixteen hours per week or c) applicant has immediate family (parent, adult son, daughter or sibling) currently resident in Wyre for the last five years.
 - If an applicant does not meet the local connection criteria defined above, they will still be eligible to join the two-part register if they are a member of the armed forces or have been a member of the armed forces within the last five years.
 - Financial solvency test – the applicant has the means to fund a self-build or custom-build (this could include capital or a self-build mortgage in principle).

- 5.4** It is proposed that there will be a fee to join the register as well as an annual fee to remain on the register. The fees will be set on a cost recovery basis and therefore be proportionate and reflect genuine costs incurred.

- 5.5** A public consultation ran for three weeks commencing 16 April 2024. Three responses were received and considered. See Appendix 1.

6. Alternative options considered and rejected

- 6.1** Take no action. Remain operating a one-part register. Do not charge a fee.
- 6.2** Continue running a one-part register and implement a cost-recovery fee to determine and maintain applications.

7. Delegated functions

- 7.1** The matters referred to in this report are considered under the following executive function delegated to the Planning Policy and Economic Development Portfolio Holder (as set out in Part 3.03 of the council's constitution): "To consider matters relating to the Local Development Scheme, Supplementary Planning Documents and other planning guidance" and "To determine charges or fees for any relevant services operated within the portfolio".

Financial, Legal and Climate Change implications	
Finance	The cost of implementing the two-part register will be met by the fees charged to the applicant upon making an application to join the register and also upon renewing their application annually.
Legal	There are no legal implications.
Climate Change	There are no climate change implications.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
health and safety	x

risks/implications	✓ / x
asset management	x
ICT	x
data protection	✓

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Madison Yeo, Affordable Housing Delivery Officer	01253 887246	Madison.yeo@wyre.gov.uk	09/05/2024

List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

Appendix 1 – Consultation Summary

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Consultee	Summary of Representation	Summary of Council Response
Private individual	<ul style="list-style-type: none">• To expand the local connection criteria to include those who have immediate family in full time education in Wyre.	Comment noted and considered. Upon reviewing other authorities policies this criterion is not included by any other authorities. Also reviewed other local connection criteria for other registers such as for social housing and found that connection criteria is stricter than we are proposing. On balance the criteria proposed is consistent with other policies and other authorities and therefore will not be expanding the local connection criteria cited in the proposal.
Lead Local Floor Authority	No comment.	Noted.
Historic England	No comment.	Noted.