

# WEST NORTHAMPTONSHIRE COUNCIL PLANNING POLICY COMMITTEE

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**Report Title**                      **Custom and Self Build Register**

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## **List of Appendices**

### **Appendix 1 – Eligibility criteria for Custom and Self Build Register.**

#### **1. Purpose of Report**

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- 1.1 For members to consider a revision to the eligibility criteria for the Self and Custom Build Register and to consider an increase in fees.

#### **2. Executive Summary**

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- 2.1 This report proposes that the eligibility criteria for entry on to the custom and self build register be revised and that the fees for applications be increased.

### **3. Recommendations**

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- 3.1 It is recommended that Planning Policy Committee:
- a) Agrees that the eligibility criteria for entry onto the Self and Custom Build register as set out in appendix A be agreed, for implementation for any application submitted on or after 1<sup>st</sup> April 2024.
  - b) Agrees that the fees be increased as set out in paragraph 5.13 for applications submitted on or after 1<sup>st</sup> April 2024.

### **4. Reason for Recommendations**

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- 4.1 This report sets out proposed changes to the arrangements for implementing the requirement on the council to maintain a register of interest in custom and self build housing. Whilst the regulations prescribe much of what councils have to do there is still some discretion about how this is done, and the regulations allow for policy choices to be made.

### **5. Report Background**

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- 5.1 The Council is required to maintain a register of individuals and associations who are interested in joining the Self and Custom build register. The Council then has a duty to grant suitable permissions (planning permission and other forms of permission) in respect of enough serviced plots of land to meet the demand on Part 1 of the Register for self-build and custom housebuilding in the authority's area arising in each base period. The 'time for compliance and fees' regulations state that this will be within a period of three years from the end of the base period.
- 5.2 The former Councils maintained their own registers up to the point that the West Northamptonshire Council was formed: each had their own approaches on eligibility to join the register and fees. At that point a single register was created with a consistent approach across West Northamptonshire to eligibility and fee charging.
- 5.3 The Register is in two parts. Part 1 relates to those applicants who meet the eligibility criteria. The duty to grant sufficient permissions relates to this part of the register. Part 2 is for applicants who are interested in self build in the area, but do not meet the eligibility criteria.
- 5.4 The approach has now been operational for almost three years. Therefore, it is timely to review the eligibility criteria and the fees for entering on to the register.

### **Eligibility**

- 5.5 In order to be entered onto Part 1 of the register, applicants have to meet certain eligibility criteria. In broad terms, the criteria for eligibility focus on residency, employment and family connections. Applicants have to meet one of the criteria.
- 5.6 Regarding residency, applicants can currently meet one of three criteria. It is suggested that these be replaced with a single criterion, and that the applicant must be currently resident in the council's area. This would align with the approach taken in the recently adopted Allocations Scheme.
- 5.7 To meet the 'close family' criteria, applicants currently have to have a close relative who has lived within West Northamptonshire for no less than two continuous years preceding the application. It is suggested that this criteria is still appropriate.
- 5.8 To meet the employment test, applicants would currently have to have a permanent contract or a temporary contract of at least 12 months, and in either case have been in post for 6 months. It is suggested that applicants would have to be in permanent employment and have been in post for at least 12 months. Employment would be defined in the policy. This would more closely align with the approach taken in the recently adopted Allocations Scheme.
- 5.9 In addition the regulations allow the council to require individuals to demonstrate that they have sufficient resources to purchase land for their own self build or custom build. This approach was adopted by the former Daventry District Council, but in practise was hard to implement, as it is difficult to establish with accuracy the cost of self build (as they are, by definition, individual properties) and it would require significant due diligence to properly verify claims about available financial resources.

## **Fees**

- 5.10 The Council currently charges £22 to enter Part 1 of the register and £22 to remain on the register in subsequent years and £11 to enter Part 2. These fees have been increased by indexing each year, but have not been reviewed since the introduction of the WN approach. The Regulations require that fees do not exceed the reasonable costs incurred in maintaining the register.
- 5.11 This regulatory requirement has been, apparently, interpreted very differently by Councils. A random selection of councils from a search on the internet reveals the following:

<b>Council</b>	<b>Part 1</b>	<b>Remain on Part 1</b>	<b>Part 2</b>
Central Beds	£90		
Surrey Heath	£75	£30	£75
Warwick	£50	£20	£25
Buckinghamshire	£25	£25	£10
Rutland	£79		
East Cambs	£23		£23
Canterbury	£30	£30	

Haringey	£144	£144	£144
South Norfolk	£100	£100	£100
Norwich	£50	£50	

- 5.12 It is estimated that the assessment of each application for Part 1 will take on average approximately 20 minutes. Applications for part 2 would take around 10 minutes. Further costs are incurred in other aspects of maintaining the register including training of staff, producing forms, dealing with inquiries, general correspondence and maintaining the website, which aren't properly reflected in the current charge. Also, costs have increased markedly in recent years. It is considered appropriate to recover these costs from the applicant rather than the general taxpayer.
- 5.13 It is therefore proposed that from 1<sup>st</sup> April 2024 there is a charge of £80.00 per application to join Part 1 of the register and £40.00 to join part 2. Fees can be charged on an annual basis to remain on Part 1 of the Register. As this will require a further check of the information it is suggested that the same fee will apply on each anniversary. Fees cannot be charged to remain on Part 2. For associations the fee will be applied to each entry on the application. The fees would be index linked.

## **6. Issues and Choices**

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- 6.1 The purpose of this report is to suggest revisions to the eligibility criteria for the register. The Council could decide to not make any changes or make other changes to the criteria. The Council could decide to leave fees as they are or increase them by a different amount (although this would have to be, as a maximum, on a cost recovery basis).

## **7. Implications (including financial implications)**

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### **7.1 Resources and Financial**

- 7.1.1 The proposed increases in the fee will increase income for the council.

### **7.2 Legal**

- 7.2.1 The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) requires local authorities to maintain a register of interest in self and custom build.
- 7.2.2 The Self-Build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016 allows local authorities to charge fees for successful applications, on a cost recovery basis.

### **7.3 Risk**

There are no risks arising from the recommendations in this report.

#### 7.4 **Consultation**

7.4.1 Not applicable.

#### 7.5 **Consideration by Overview and Scrutiny**

7.5.1 Not applicable

#### 7.6 **Climate Impact**

7.6.1 There are no climate change impacts arising specifically from this report.

#### 7.7 **Community Impact**

7.7.1 There are no community impacts arising specifically from this report.

#### 7.8 **Communications**

7.8.1 None directly arising from this report.

### **8. Background Papers**

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8.1 None

## **APPENDIX A:**

### **Eligibility criteria for Custom and Self Build Register.**

Current Criteria	Suggested New Criteria
<p>A. applicants who have lived in West Northamptonshire continuously for the 12 months preceding their application</p> <p>B. applicants who have lived in West Northamptonshire for at least 3 out of the 5 years preceding their application</p> <p>C. applicants who have lived in West Northamptonshire for at least 5 out of the 10 years preceding their application</p>	<p>A. applicants who have lived in West Northamptonshire continuously for the two years immediately preceding their application and that residence was of their choice.</p> <p>If more than one application is received from one household, the demand will be recorded in total as one, unless the applicants demonstrate the need for more than one house.</p>
<p>D. applicants who have a close relative (see definition below) living within West Northamptonshire for no less than 2 continuous years preceding application</p>	<p>B. applicants who have a close relative (see definition below) living within West Northamptonshire for no less than two continuous years preceding the application</p>
<p>E. applicants who have a permanent contract of employment within West Northamptonshire and have been in that post for no less than six months</p> <p>F. applicants who have a temporary contract of employment within West Northamptonshire for no less than 12 months and have also been in that post for no less than six months</p>	<p>C. The applicant is employed in permanent employment in the West Northamptonshire area and has been in that post for no less than 12 months.</p> <p>Employment is defined as paid employment for at least 16 hours or more per week and is not work that is considered to be temporary, casual or seasonal.</p>
<p>G. members of the armed forces. Ex service personnel are deemed to satisfy the 'local connection' test for a period of five years after leaving service</p>	<p>Members of the armed forces. Ex service personnel are deemed to satisfy the 'local connection' test for a period of five years after leaving service</p>
<p>For these purposes, close relatives of the applicants will be defined as the following including the 'step' equivalent:</p> <ul style="list-style-type: none"> <li>• mother/father</li> <li>• sister/brother</li> <li>• daughter/son</li> <li>• grandparent</li> <li>• grandchild</li> <li>• wife/husband</li> <li>• partner/civil partner</li> </ul>	<p>For these purposes, close relatives of the applicants will be defined as the following including the 'step' equivalent:</p> <ul style="list-style-type: none"> <li>• mother/father</li> <li>• sister/brother</li> <li>• daughter/son</li> <li>• wife/husband</li> <li>• partner/civil partner</li> </ul>