

Guidance

Self-build and custom housebuilding

Self-build and custom housebuilding registers.

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Self-build and custom housebuilding

What is self-build and custom housebuilding?

Self-build and custom housebuilding covers a wide spectrum, from projects where individuals are involved in building or managing the construction of

their home from beginning to end, to projects where individuals commission their home, making key design and layout decisions, but the home is built ready for occupation ('turnkey').

The [Self-build and Custom Housebuilding Act 2015 \(as amended by the Housing and Planning Act 2016\)](#)

(<http://www.legislation.gov.uk/ukpga/2015/17/contents/enacted/data.htm>) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

When reading this guidance, reference should be made to the:

- [Self-build and Custom Housebuilding Act 2015 \(as amended by the Housing and Planning Act 2016\)](#)
(<http://www.legislation.gov.uk/ukpga/2015/17/contents/enacted>)
- [Self-build and Custom Housebuilding Regulations 2016](#)
(<http://www.legislation.gov.uk/uksi/2016/950/contents/made>)
- [Self-build and Custom Housebuilding \(Time for Compliance and Fees\) Regulations 2016](#) (<http://www.legislation.gov.uk/uksi/2016/1027/contents/made>)

In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.

Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing.

The Community Infrastructure Levy Regulations 2010 allow for certain development such as self-build and custom build housing to apply for an exemption from the levy and guidance provides a definition of self-build and custom build housing for that purpose. Self-build and custom build multi-unit and communal schemes can also qualify for the exemption where they meet the required criteria. See guidance on [Community Infrastructure Levy exemptions](#) (<https://www.gov.uk/guidance/community-infrastructure-levy#para082>).

Paragraph: 016 Reference ID: 57-016-20210208

Revision date: 08 02 2021 See [previous version](#)

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

What are the benefits of self-build and custom housebuilding?

Self-build or custom build helps to diversify the housing market and increase consumer choice. Self-build and custom housebuilders choose the design and layout of their home, and can be innovative in both its design and construction

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Self-build and custom housebuilding registers

Who does the requirement to keep a self-build and custom housebuilding register and the duty to have regard to the register fall to?

Responsibility for keeping a self-build and custom housebuilding register falls to “relevant authorities” as set out in [section 1 of the Self-build and Custom Housebuilding Act 2015 \(as amended by the Housing and Planning Act 2016\)](http://www.legislation.gov.uk/ukpga/2015/17/section/1/enacted) (<http://www.legislation.gov.uk/ukpga/2015/17/section/1/enacted>), and includes:

- district councils;
- county councils in England so far as they are councils for an area for which there are no district councils;
- London borough councils;
- the Common Council of the City of London;
- the Council of the Isles of Scilly;
- the Broads Authority and National Park authorities in England are the relevant authority for the whole of their respective areas, to the exclusion of any authority mentioned above.

The requirement to keep a register does not fall to Urban Development Corporations and Mayoral Development Corporations.

The duty to have regard to the register is not limited to the relevant authorities that must keep a register. This is because other public bodies may have responsibility for housing and redevelopment functions in an area. In addition to relevant authorities, the public bodies that are required to have regard to each self-build and custom housebuilding register that relates to their area are:

- county councils in England in areas where there are district councils
- the Sub-Treasurer of the Inner Temple (in that person’s capacity as a local authority)

- the Under-Treasurer of the Middle Temple (in that person's capacity as a local authority)

Paragraph: 001 Reference ID: 57-001-20170728

Revision date: 28 07 2017 [See previous version](#)

(<http://webarchive.nationalarchives.gov.uk/20170417114230/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

Can relevant authorities hold a joint register?

Authorities can choose to work together to publicise and promote their registers and have a single application form provided it is clear which authority the application is being made to.

However, under the [Self-build and Custom Housebuilding Act 2015 as amended by the Housing and Planning Act 2016](#)

(<http://www.legislation.gov.uk/ukpga/2015/17/contents/enacted>) each relevant authority must keep and publicise a register.

An authority can also choose to work with a private sector supplier to maintain the register provided the relevant authority holds and publicises its register in accordance with the legislation.

Paragraph: 007 Reference ID: 57-007-20210208

Revision date: 08 02 2021 [See previous version](#)

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

Why must relevant authorities keep a self-build and custom housebuilding register?

Paragraph removed

Paragraph: 002 Reference ID: 57-002-20210508

Revision date: 08 02 2021 [See previous version](#)

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

What information must relevant authorities include on their register?

The information that relevant authorities must include on their register differs for entries for individuals and entries for associations of individuals.

For entries on the register for individuals, relevant authorities must record the name and address of the individual on the register.

For entries on the register for associations of individuals, relevant authorities must record the following information on the register:

- the name and address of the association;
- the name and address (if different from that of the association) of the lead contact; and
- the number of serviced plots of land in the relevant authority's area the members of the association are seeking to acquire.

In all cases the date on which an entry was made – and any dates on which it has been amended – must be recorded on the register.

Paragraph: 005 Reference ID: 57-005-20160401

Revision date: 01 04 2016

Can relevant authorities request applicants to provide additional information to that required by the legislation?

As part of the registration process relevant authorities can request applicants to provide additional information to that required by the legislation. This can support a greater understanding of the nature of demand for self-build and custom housebuilding in their area, inform local planning policies and assist in bringing forward appropriate land.

However, those who meet the eligibility criteria but do not provide the additional information requested must still be entered on the register. Relevant authorities should ensure that any additional information requested is relevant, proportionate and reasonable.

Examples of additional information could (while having regard to data protection obligations) include:

- The applicant's age and whether they have dependents living with them;
- The location where an applicant wants to build in the authority's area (for example town/village/ward if appropriate);
- The type of project an applicant seeks to undertake (for example, self-build or custom build) - this information can assist local builders and developers in bringing forward suitable opportunities;
- Preferred tenure, dwelling type and plot size preference;
- Whether an applicant is looking for a single independent plot or a plot on a housing site; and

- Budget to acquire a plot and build a house.

Relevant authorities can collaborate to share best practice on information collection and use.

Paragraph: 006 Reference ID: 57-006-20210208

Revision date: 08 02 2021 [See previous version](#)

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

Who is eligible to be entered on the register?

Applicants must meet all of the eligibility criteria for entry on 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 older;
- be a British citizen, a national of a EEA State other than the United Kingdom, or a national of Switzerland;
- satisfy any local eligibility conditions set by the relevant authority (but with regard to applications from members of the armed forces and ex-services personnel see [paragraph 021](#));
- 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 and custom housebuilding project.

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.

Paragraph: 008 Reference ID: 57-008-20210208

Revision date: 08 02 2021 [See previous version](#)

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

In what circumstances should a register have two parts?

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.

Paragraph: 017 Reference ID: 57-017-20170728

Revision date: 28 07 2017

What is the difference between the two parts of the register?

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. See the [section on self-build and custom housebuilding duties](#) for further information on the duty to grant planning permission etc. 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.

This means, for example, in plan-making the starting point for establishing overall demand for self-build and custom housebuilding would be the number of registrants on Part 1 and Part 2 of the register.

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

[See previous version](#)

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

What local eligibility tests can a relevant authority set?

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. We expect that relevant authorities will apply one or both of these tests only where they have a strong justification for doing so.

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.

Paragraph: 019 Reference ID: 57-019-20210208

Revision date: 08 02 2021 [See previous version](#)

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

[Self-build and custom housebuilding](#)

What can the local eligibility tests look like?

It is for each relevant authority to determine the rationale for introducing a local eligibility test and hence the specific conditions set. Any eligibility test introduced by an authority needs to be proportionate, reasonable and reviewed periodically to ensure that it responds to issues in the local area, for example for areas with exceptional demand or limited land availability.

In designing a local connection test, relevant authorities may wish to consider criteria based on residency, having a family member residing in the local area and/or having an employment connection to the local area.

Aligning the test with local connection criteria used in local planning policies, for example relating to affordable housing or rural exception sites, may also be useful.

In designing a financial solvency test, relevant authorities may wish to assess whether the applicant can afford to purchase the land. Authorities should be aware that self-build and custom build can provide a route to affordable home ownership for those on low incomes and so will need to take this into consideration if introducing a financial solvency test.

When considering associations of individuals a relevant authority may wish to consider an association's collective ability to purchase a site and assume that each member can make an appropriate contribution.

Paragraph: 020 Reference ID: 57-020-20210508

Revision date: 08 02 2021 See [previous version](#)
(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

How should relevant authorities treat applications to join their register from members of the armed forces and ex-services personnel where they have applied a local connection test?

In cases where members of the armed forces do not meet any local connection test applied, they must be deemed as having done so and be entered on Part 1 of the register. For applications made by ex-service personnel this includes the period of time since they have left the armed forces which is equal to any period of time specified in any local connection test applied.

Paragraph: 021 Reference ID: 57-021-20210208

Revision date: 08 02 2021 [See previous version](#)
(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

How should relevant authorities treat applications for entry on the register that are made by couples or by two or more members of the same household?

Relevant authorities should ensure that they have processes in place to consider how to process applications for entry on the register from couples, or two or more members of one household, who are jointly seeking to acquire a serviced plot of land for their own self-build and custom housebuilding.

If more than one individual application is made by a couple or by two or more members of one household, and each of the individuals is eligible for entry on the registers, the relevant authority must make the relevant entries on the register.

Paragraph: 009 Reference ID: 57-009-20170728

Revision date: 28 07 2017 [See previous version](#)
(<http://webarchive.nationalarchives.gov.uk/20170417114230/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

What is the relationship between the register and the Strategic Housing Market Assessment?

Assessment of local housing need as a whole should be conducted using the standard method in national planning guidance. Within this context, the size, type and tenure of housing needed for different groups should be assessed including people wishing to self-build or custom-build their own homes.

Local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources (as outlined in the [housing and economic development needs guidance](#) (<https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>)), to understand and consider future need for this type of housing in their area. Secondary sources can include data from building plot search websites, enquiries for building plots recorded by local estate agents and surveys of local residents. Demand assessment tools can also be utilised.

Plan-makers will need to make reasonable assumptions using the data on their register to avoid double-counting households.

Paragraph: 011 Reference ID: 57-011-20210208

Revision date: 08 02 2021 See [previous version](#)

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

How should relevant authorities publicise their register and are they required to publish data from their register?

[Section 1\(2\) of the Self-build and Custom Housebuilding Act 2015](#)

(<http://www.legislation.gov.uk/ukpga/2015/17/section/1/enacted>) requires each relevant authority to publicise its register. As a minimum, it is recommended that relevant authorities hold and regularly update a web page that is dedicated to self-build and custom housebuilding. Relevant authorities are encouraged to consider additional innovative methods of publicising their register to increase awareness of it such as hosting events.

Relevant authorities are encouraged to publish in their Authority Monitoring Report and the self and custom build section of their website, headline data on the demand for self-build and custom housebuilding revealed by their register and other sources. This can support development opportunities for self-build and custom housebuilding by increasing awareness among landowners, builders and developers of the level and nature of demand for self-build and custom housebuilding in the local area.

Authorities may wish to consider using a range of other communication approaches to ensure that their registers are publicised locally; for example through local radio, newspapers and social media, neighbourhood forums, parish and town councils and other opportunities.

The types of information relevant authorities are advised to publish (while having regard to data protection obligations) include:

- the number of individuals and associations on their register;
- the number of serviced plots of land sought; and
- preferred locations in a local area, plot sizes and type of housing intended to be built, where this information has been requested by the authority and provided by an applicant.

Publishing data such as the numbers of individuals or groups who have successfully acquired plots in a local area can be a useful way of demonstrating progress locally to meet demand for self-build and custom building in an area.

Paragraph: 012 Reference ID: 57-012-20210508

Revision date: 08 02 2021 [See previous version](#)
(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

How can relevant authorities communicate and promote their actions to support self-build and custom housebuilding?

As well as publicising the data which the register holds, relevant authorities should consider using a dedicated webpage to promote:

- the purpose of the register and how to apply for entry on it;
- eligibility criteria, including any local eligibility criteria (setting out the justification and review date);
- activities undertaken information on sites for self-build and custom housebuilding including suitable development permissions, local and neighbourhood plan allocations and other opportunities provided for by local planning policies; and
- details on activities to promote self-build and custom housebuilding;

Providing information on one well signposted and easily accessible site may help to reduce any risk of complaint or challenge that an authority is not complying with its duties under the 2015 Act and reduce the amount of correspondence asking for an update on progress.

Relevant authorities can use email if they wish to do so to communicate with those seeking entry on their register and those on their register where applicants have provided an email address subject to data protection considerations.

Paragraph: 022 Reference ID: 57-022-20210508

Revision date: 08 02 2021 [See previous version](#)
(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

Can relevant authorities use email as a means of communication with those applying for entry on their register and those on their register?

Paragraph remove and incorporated into Paragraph 022 above

Paragraph: 004 Reference ID: 57-004-20210508

Revision date: 08 02 2021 [See previous version](#)
(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

Self-build and custom housebuilding land duties

This section provides information on the two duties in the 2015 Act (as amended by the Housing and Planning Act 2016) which are concerned with increasing the availability of land for self-build and custom housebuilding. These duties are the 'duty to grant planning permission etc' and the 'duty as regards registers'.

What does having a 'duty to grant planning permission etc' mean?

Relevant 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 level of demand is established by reference to the number of entries added to an authority's register during a base period.

The first base period begins on the day on which the register (which meets the requirement of the 2015 Act) is established and ends on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. Subsequent base periods will therefore run from 31 October to 30 October each year.

At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.

Paragraph: 023 Reference ID: 57-023-201760728

Revision date: 28 07 2017

Who does the 'duty to grant planning permission etc' apply to?

The 'duty to grant planning permission etc' applies to the same authorities who are [required to hold a register](#) provided they are also a local planning authority within the meaning of the Town and Country Planning Act 1990.

Paragraph: 024 Reference ID: 57-024-201760728

Revision date: 28 07 2017

How can relevant authorities increase the number of planning permissions which are suitable for self-build and custom housebuilding?

Relevant authorities should consider how local planning policies may address identified requirements for self and custom housebuilding to ensure enough serviced plots with suitable permission come forward (for example, as a number of units required as part of certain allocated sites, or on certain types of site).

More widely, relevant authorities can play a key role in brokering and facilitating relationships to help bring suitable land forward. This can include:

- supporting Neighbourhood Planning groups where they choose to include self-build and custom build housing policies in their plans;
- effective joint working across service delivery areas and with local delivery partners including Housing Associations, Arms Length Management Organisations and housing developers;
- using their own land (if available and suitable) for self-build and custom housebuilding and marketing it to those on the register;
- working with Homes England to unlock land and sites in wider public ownership to deliver self-build and custom build housing;
- when engaging with developers and landowners who own sites that are suitable for housing, and encouraging them to consider self-build and custom housebuilding, and facilitating access to those on the register where the landowner is interested.
- working with local partners, such as Housing Associations and third sector groups, to custom build affordable housing for veterans and other groups in acute housing need.

Paragraph: 025 Reference ID: 57-025-20210508

Revision date: 08 02 2021 See [previous version](#)

<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>

What is the definition of a serviced plot of land?

A serviced plot of land is a plot of land that either has access to a public highway and has connections for electricity, water and waste water, or, in the opinion of a relevant authority, can be provided with access to those things within the duration of a development permission granted in relation to that land.

A serviced plot of land could be an opportunity for converting an existing building to residential use (rather than a new build) provided the plot otherwise meets the statutory definition (see [section 5\(1\) of the Self and Custom Housebuilding Act 2015 and regulation 3 of the Self-build and Custom Housebuilding Regulations 2016 S.I. 2016/950](#) (<https://www.legislation.gov.uk/uksi/2016/950/regulation/5/made>)).

Access to a public highway can include sections of private or unadopted road. It does not mean that the plot has to be immediately adjacent to the public highway, just that there is the guaranteed right of access to the public highway.

Connections for electricity, water and waste water means that the services must either be provided to the boundary of the plot so that connections can be made as appropriate during construction or adequate alternative arrangements must be possible such as the use of a cesspit rather than mains drainage.

For example a plot of land alongside an existing public highway that is an infill between existing dwellings would count as being serviced. There is no expectation that services must be physically connected to the plot at the time of granting planning permission.

Paragraph: 026 Reference ID: 57-026-20210508

Revision date: 08 02 2021 See [previous version](#)
(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

How can authorities record suitable permissions?

The legislation does not specify how suitable permissions must be recorded. However, the following are examples of methods a relevant authority may wish to consider to determine if an application, permission or development is for self-build or custom housebuilding:

- Whether developers have identified that self-build or custom build plots will be included as part of their development and it is clear that the initial owner of the homes will have primary input into its final design and layout;
- Whether a planning application references self-build or custom build and it is clear that the initial owner of the homes will have primary input into its final design and layout; and
- Whether a Community Infrastructure Levy or Section 106 exemption has been granted for a particular development.

A relevant authority must be satisfied that development permissions being counted meet the legislative requirements.

Paragraph: 038 Reference ID: 57-038-20210508

Revision date: 08 02 2021

What can someone on a register expect?

Relevant 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. There is no duty on a relevant 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.

Relevant authorities should also consider informing those on the register when they have permissioned suitable land, or when suitable sites are made available through land disposal, and could maintain an up-to-date list of suitable permissioned land that can be shared with those on the register. Ideally this would include contact details for the land owner, where their consent has been obtained, so that if anyone on the register is interested in purchasing the land they know who to contact.

Paragraph: 028 Reference ID: 57-028-20210508

Revision date: 08 02 2021 See [previous version](#)
(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

What does having 'a duty as regards registers' mean?

[Section 2\(1\) of the Self-build and Custom Housebuilding Act 2015](#) (<http://www.legislation.gov.uk/ukpga/2015/17/section/2/enacted>) places a duty on [relevant bodies](#) to have regard to each self-build and custom housebuilding register, including Part 2 of the register (where a register is in two parts), that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.

The following guidance suggests ways in which the duty may be demonstrated in carrying out each function:

(i) Planning

The registers that relate to the area of a local planning authority – and the duty to have regard to them – needs to be taken into account in preparing planning policies, and are also likely to be a material consideration in decisions involving proposals for self and custom housebuilding.

(ii) Housing

Local housing authorities will need to consider the evidence of demand for self-build and custom housebuilding from the registers when carrying out their housing functions. This includes preparing their local housing strategies, delivery of affordable housing, supporting community-led housing and in developing plans for new housing on land owned by the

local housing authority. Authorities are encouraged to work closely with local delivery partners to ensure that self-build and custom housebuilding is an integral part of their housing delivery strategy.

(iii) Land disposal

Relevant authorities should consider the evidence of demand for self-build and custom housebuilding in their area from the register when developing plans to dispose of land within their ownership. This can be particularly valuable in ensuring sufficient sites come forward for self-build and custom housebuilding.

(iv) Regeneration

When developing plans to regenerate their area, relevant authorities should consider the demand for self-build and custom housebuilding. Self-build and custom housebuilding can help to deliver regeneration on suitable brownfield sites, underutilised land and other public sector land.

Paragraph: 014 Reference ID: 57-014-20210508

Revision date: 08 02 2021 [See previous version](#)

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

How should relevant authorities count entries from associations of individuals towards demand levels for the ‘duty to grant planning permission etc’?

For the purpose of calculating demand, relevant authorities should count associations of individuals as a single entry on the register. This is because we expect that the rationale for joining a register as a member of an association will be for the self-build and custom housebuilding project to be in close proximity to other members of the association. We therefore expect that associations of will be interested in a single site that is large enough to encompass their needs rather than separate plots of land.

Paragraph: 027 Reference ID: 57-027-201760728

Revision date: 28 07 2017

Exemptions from the 2015 Act duties

Can authorities become exempt from the ‘duty as regards registers’?

No. Authorities must have regard to their register when carrying out their planning, housing, land disposal and regeneration functions. There is no exemption from this duty.

Paragraph: 029 Reference ID: 57-029-20210208

Revision date: 08 02 2021 [See previous version](#)

(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

When can a relevant authority apply for an exemption to the ‘duty to grant planning permission etc’?

A relevant authority may make an application for an exemption if for any base period (see the section on [what having a ‘duty to grant planning permission etc’ means](#)) the demand for self-build and custom housebuilding is greater than 20% of the land identified by that relevant authority as being available for future housing.

As relevant authorities have 3 years in which to permission sufficient land to match demand, demand should be assessed over 3 base periods. For this purpose demand is the aggregate number of new entries on Part 1 of the register in that base period and the 2 preceding base periods. For the first 2 years, there will not be 3 base periods so relevant authorities should rely on the current base period and any previous base period (if applicable).

Land availability is the total number of new houses on land in the area of the relevant authority, assessed by that authority as being deliverable in that base period, the 2 preceding base periods, and the 2 subsequent base periods.

Paragraph: 030 Reference ID: 57-030-20170728

Revision date: 28 07 2017

If demand for self-build and custom housebuilding in an area is significantly more than 20% of the identified land for housing would the relevant authority be automatically exempt from the ‘duty to grant planning permission etc’?

No. The first time that a relevant authority determines that the demand on their register is greater than 20% of its future deliverable housing supply, that authority may apply to the Secretary of State for an exemption. The authority is assumed to not be exempt until the Secretary of State has considered the application and written to the relevant authority informing them of the outcome of their application.

When deciding whether to grant an exemption, in order to ensure that an exemption is appropriate, the Secretary of State will consider the level of demand on the register compared with land supply for future housing, and other relevant factors such as whether a local connection test has been

considered and how the authority would continue to support self-build and custom housebuilders in their area.

An exemption is only granted in relation to a given base period. At the end of each subsequent base period authorities must calculate demand on their register as a percentage of the deliverability of housing over the next 3 years. If, at the end of any given base period, the demand in that base period, when expressed as a percentage of future land availability, is assessed to be 20% or below, the authority is deemed to no longer be exempt and must inform the Secretary of State that this is the case. For these no longer exempt authorities, should demand as a percentage of future land availability increase to over 20% in subsequent base periods they may again apply for an exemption.

Where a relevant authority has been granted an exemption in respect of a base period, no further application is required in respect of any subsequent base periods provided the demand on their register remains greater than 20% of its future deliverable housing supply, unless the Secretary of State gives notice in writing to the authority that an application is required in respect of any base period.

To help the Secretary of State decide whether to give such notice in writing, the Secretary of State may ask for details and all relevant background information in the current base period.

To ensure that relevant authorities have sufficient time to permission sufficient land, it is expected that the Secretary of State will only direct that an exemption would apply for the base period that follows the base period in which the exemption is granted. This ensures that relevant authorities have the full 3 years in which to permission sufficient land.

Once an exemption has been granted, the Secretary of State would not revoke an exemption, unless there were exceptional circumstances and confidence that the authority could meet its duty to grant planning permission etc within the required 3 years.

Relevant authorities must continue to permission sufficient suitable land to match demand in the base periods prior to being granted an exemption and in subsequent base periods if they are no longer exempt.

Paragraph: 031 Reference ID: 57-031-20210508

Revision date: 08 02 2021 [See previous version](#)
(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

If an authority is granted an exemption does this apply to all base periods?

Paragraph removed

Paragraph: 032 Reference ID: 57-032-20210508

Revision date: 08 02 2021 [See previous version](#)
(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

What should exempt relevant authorities do for those on their register?

A relevant authority that is granted an exemption to the 'duty to grant planning permission etc' must notify any person entered on Part 1 of the register kept by that authority for the base period to which the exemption relates.

If a relevant authority decides to inform everyone on the register that the authority is exempt then the letter should be clear that the exemption is only for the latest base period and that the authority still has a duty to grant planning permissions in line with demand for the earlier base periods.

Relevant authorities that have an exemption from the 'duty to grant planning permissions etc' must still have regard to their register when carrying out their housing, planning, land disposal and regeneration functions.

Paragraph: 033 Reference ID: 57-033-20170728

Revision date: 28 07 2017

Cost recovery

Can relevant authorities charge fees to those who apply to be entered on or remain on their register?

Relevant authorities can only set fees on a cost recovery basis. Any fees charged must therefore be proportionate, reflect genuine costs incurred, should not act as a deterrent for people to be entered on or remain on the register and should not be viewed as a mechanism to manage demand. Authorities are advised to provide a transparent rationale for why they are charging, and how charges have been arrived at, and to review this to ensure costs remain proportionate and fair.

To recover their costs of registering an individual or association of individuals, relevant authorities can charge an entry fee to individuals and associations of individuals who apply to be entered on their register. Relevant authorities can charge a different fee to associations than to

individuals where they incur a different cost for processing an application from an association of individuals compared with an application from an individual.

To recover their costs incurred when complying with the 'duty to grant planning permission etc', relevant authorities can charge a higher entry fee to those whose entry onto the register counts towards the number of plots of permissioned land required. In most cases this will be people on Part 1 of the register where a relevant authority is not exempt from the 'duty to grant planning permission etc'. As a result it is possible that where relevant authorities have set a local connection test and hence have two parts to the register, the fee charged when someone enters Part 1 of the register may be different to the fee charged to someone being entered on Part 2, which would reflect any additional costs of those on Part 1 contributing to demand and hence the number of sites which must have suitable planning permission granted.

Relevant authorities that are not exempt from the 'duty to grant planning permissions etc' can charge an additional annual fee in following years to those who are entered on Part 1 of their register (or the register if no local connection test has been set and so the register is not divided into two parts) and wish to remain on it.

Paragraph: 034 Reference ID: 57-034-20210208

Revision date: 08 02 2021 [See previous version](#)
(<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>)

Can an exempt authority charge a fee?

Exemption only applies to specific base periods so relevant authorities may recover their costs for complying with the 'duty to grant planning permission etc' to those who are entered onto the register in a base period which is not exempt even where that authority may be exempt for other base periods.

Authorities cannot apply for an exemption from the duty to hold a register nor to have regard to those on the register when carrying out their planning, housing, land disposal and regeneration functions. Relevant authorities can therefore charge for entering people on a register if they incur genuine costs concerned with processing and maintaining that register.

Paragraph: 035 Reference ID: 57-035-20170728

Revision date: 28 07 2017

Can relevant authorities refuse entry on the register to an individual or association of individuals who does not pay the fee?

One of the eligibility requirements for entry on a self-build and custom housebuilding register is payment of any fee which is required by the authority in relation to the register. Therefore relevant authorities are entitled to refuse an individual or association of individuals entry to their register until they have paid any entry fee set by the authority. Relevant authorities are also entitled to remove an individual or association of individuals from their register in a subsequent base period if they fail to pay any annual fee set by the authority to remain on the register.

Paragraph: 036 Reference ID: 57-036-20170728

Revision date: 28 07 2017

If a relevant authority charged a fee and then became exempt from the 'duty to grant planning permission etc' would it have to refund the fee to the applicant?

Paragraph removed

Paragraph: 037 Reference ID: 57-037-20210508

Revision date: 08 02 2021 [See previous version](#)

<https://webarchive.nationalarchives.gov.uk/20210118233022/https://www.gov.uk/guidance/self-build-and-custom-housebuilding>

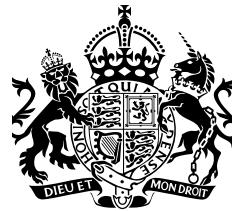
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