Comments

Site Specific Part 2 Local Plan - Publication Plan Consultation (18/12/19 to 12/02/20)

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Consultation Point Policy HOU4 Self-Build and Custom Build Housing
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Representation
Please use a separate form for each representation.

Which part of the Publication Plan does your representation relate to?
Policy HOU4 : Self-Build and Custom Build Housing

Tests of Soundness
Do you consider the Local Plan is sound in terms of being:

Justified . No
Effective . No
Positively prepared . No
Consistent with National Policy . No

Legal and Procedural requirements

Do you consider the Local Plan has been prepared in line with legal procedural requirements? Yes

Duty to Cooperate

Do you consider the Local Plan to be compliant with the Duty to Cooperate? Yes

Reasons
Please give the reason(s) why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the statutory Duty to Cooperate.

Under the Self Build & Custom Housebuilding Act 2015, the Council has a duty to keep a Register of people seeking to acquire self & custom build plots and to grant enough suitable development permissions to meet identified demand. The NPPG (ID: 57-025-201760728) sets out ways in which the Council should consider supporting self & custom build. These are: • developing policies in the Plan for self & custom build; • using Council owned land if available and suitable for self & custom build and marketing such opportunities to entrants on the Register; • engaging with landowners who own housing sites and encouraging them to consider self & custom build and where the landowner is interested facilitating access to entrants on the Register; and • working with custom build developers to maximise opportunities for self & custom housebuilding.

It is noted that Policy 30 of the adopted NNJCS provides support / encouragement for self & custom build schemes and requires a percentage of such plots on SUEs and strategic allocations. The HBF is supportive of proposals to encourage self & custom build for its potential additional contribution to overall HLS therefore the HBF is supportive of Policy HOU5: Single Plot Exception Sites for Custom and Self-Build.

The HBF is not supportive of restrictive policy requirements for the inclusion of self & custom build housing on residential development sites, which only change housing delivery from one form of house building to another without any consequential additional contribution to boosting housing supply. The HBF object to Policy HOU4, which states that: • Housing developments of 50 or more dwellings should provide 5% of plots to be made available as self-build or custom build serviced plots. This provision will take account of evidence of local need, the nature of development proposals and viability. Serviced building plots, which have been appropriately marketed at a prevailing market value, not sold after 6 months can be built out by the developer.

The provision of serviced plots for self & custom build on residential development sites of 50 or more dwellings should not be sought. This policy requirement seeks to place the burden for delivery of self & custom build plots onto developers contrary to national guidance, which outlines that the Council should engage with landowners and encourage them to consider self & custom build. The Council’s proposed policy approach should not move beyond encouragement by seeking provision of self & custom build plots on residential development sites of 50 or more dwellings.

All policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The Council's Self & Custom Build Register alone is not a sound basis for setting a specific policy requirement. As set out in the NPPG, the Council should provide a robust assessment of demand including an assessment and review of data held on the Council's Register (ID 2a-017-20192020), which should be supported by additional data from secondary sources to understand and consider future need for this type of housing (ID 57-0011-20160401). The Council should also analyse the preferences of entries as often only individual plots in rural locations are sought as opposed to plots on larger housing sites. It is also possible for individuals and organisations to register with more than one Council so there is a possibility of some double counting. The Register may indicate a level of expression of interest in self & custom build but it cannot be reliably translated into actual demand should such plots be made available.

The Council's supporting evidence is set out in Self-Build and Custom Build Housing Background Paper dated August 2019. As at March 2019, there were 31 entries. All indicated a preference for individual serviced plots. Of locations sought 34.5% were in Kettering, 17% were in Burton Latimer, 3.5% were in Desborough and 49% were in Rural Area. By July 2019, only 41 people were entered on the Council's Register. The level of modelled demand (714 dwellings between 2019 – 2031) in the Three Dragons Report (Custom and Self Build Demand Assessment Framework December 2018 in Appendix 1) represents an aspiration, which should not be considered as a strict target or a primary source in determining demand.

Between 2015/16 – 2017/18, the demand on the Council’s Register was met by the granting of permissions of single dwelling schemes on an annual basis. Against minimal demand, there is a potential over supply of self & custom build plots from the Council's windfall site allowance of 621 dwellings, Policy HOU5, SSPP2 allocations, KTCAAP allocations not currently benefitting from planning permission and sites only currently benefitting from outline planning permission.

The Council's policy approach should be realistic to ensure that where self & custom build plots are provided, they are delivered and do not remain unsold. It is unlikely that the allocation of self & custom
build plots on housing sites of 50 or more dwellings can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on a housing site from both a practical and health & safety perspective it is difficult to envisage the development of single plots by individuals operating alongside this construction activity. If demand for plots is not realised, there is a risk of plots remaining permanently vacant effectively removing these undeveloped plots from the Council’s HLS. There is no such deduction from the Council’s estimation of its HLS.

Where plots are not sold, it is important that the Council’s policy is clear as to when these revert to the original developer. It is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development. The consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. The 2019 NPPF states that policies should be clearly written and unambiguous so that a decision maker knows how to react to a development proposal (para 16d). The requirement for appropriate marketing at prevailing market value is vague, which causes uncertainty for developers. If the policy is to be effective, the Council should provide further clarification of its requirements, which should be justified by supporting evidence.

As well as on-site practicalities any adverse impacts on viability should be tested. It is the Council’s responsibility to robustly viability test the SSPP2 in order that the cumulative impact of infrastructure, other contributions and policy compliant requirements are set so that most development is deliverable without further viability assessment negotiations at planning application stage and the deliverability of the SSPP2 is not undermined. The Whole Plan Viability Assessment SSPP2 dated December 2019 by Aspinall Verdi does not test the financial impact of Policy HOU4.

The Council is also reminded that self & custom build are exemption from Community Infrastructure Levy (CIL) contributions and affordable home ownership provision as set out in national policy. On housing sites of 50 or more dwellings, fewer dwellings are eligible to make contributions towards infrastructure and affordable housing, which may have detrimental impacts. The Council may have aspirations for self & custom build but this should not be pursued at the expense of delivering affordable housing.

**Proposed Actions/Changes**

**Please explain what changes or actions are needed to make the Local Plan legally compliant.**

Before the SSPP2 is submitted for examination, Policy HOU4 should be deleted. There is insufficient evidence in the Self Build Register to demonstrate significant demand in the Borough, the proposed site threshold is unjustified and policy wording is unclear, which will be ineffective.

**Attendance at the examinations hearings**

If you are seeking to change the Plan, would you like to attend the examination hearings?

Yes

**Notifications**

Do you wish to be notified?

. When the Plan is submitted for independent examination?
. When the Inspector’s Report is published?
. When the document is adopted?