Suffolk Coastal Examination in Public (East Suffolk Coastal)
Hearing Statement

Representor number: TBC

Matter: 4

On behalf of Landform Martlesham Limited

Matter 4: Policies

Issue: Are the individual policies clear, justified and consistent with national policy and will they be effective?

Policy SCLP5.8: Housing Mix

Q4.7 Would the Policy be effective in meeting the housing needs of older people?

1.1 Paragraphs 2.1 – 2.11 of our Matter 2 statement consider whether the needs of different groups in the community have been met. In respect of SCLP5.8, Landform raises concern with any approach which simply draws upon its SHMA evidence and does not allocate sites for elderly accommodation.

Policy SCLP5.9: Self Build and Custom Build Housing

Q4.8 Is the policy justified in terms of need, threshold and minimum target and how would it be effective in encouraging and providing for self-build and custom-build housing?

Q4.9 Would self-build and custom build housing be provided through Policy SCLP5.4?

1.2 The Self Build and Custom Housebuilding Act 2015 (as amended in the 2016 Housing Act) requires each authority to keep a register (start date 31 October 2016) of individuals and associations who are seeking to acquire serviced plots of land in the authority’s area for their own self-build and custom housebuilding. Local planning authorities should use the demand data to positively plan for providing self build plots to meet the needs of those on the register. Paragraph 2a-017 of the PPG requires Councils to ‘assess and review data held on registers to ensure that the evidence remains accurate. In addition, paragraph 57-011 considers it necessary to understand the need for this type of housing in future and to make reasonable assumptions to avoid double counting’.

1.3 At present, there is no indication that the Council has reviewed its self-build register or considered other evidence to confirm whether or not it provides an accurate assessment of demand for such plots. The self-build register currently has over 280 individuals listed. From our national experience, this is a high figure and Suffolk Coastal is an area of high demand.

1.4 In addition, the Council has focussed on a top down approach to address its duty with regard to the delivery of self-build plots. Whilst the PPG suggests using policies in local plans to support the delivery of self-build plots, it also proposes in paragraph 57-025 other mechanisms including:

- Councils using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the register;
• engaging with 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; and
• working with custom build developers to maximise opportunities for self-build and custom housebuilding.

1.5 There is no indication as to whether the Council has considered any of these approaches to increasing the provision of self-build plots. In order to justify the requirements, the Council must be able to show how it has examined other opportunities in meeting the demand for self-build plots, that it has recently reviewed its register and that it has considered other evidence with regard to demand for self-build. It is Landform’s consideration that the policy as drafted cannot be justified and suggest the Council work with developers and landowners to secure the provision of self-build and custom build plots on appropriate sites to be allocated through the Local Plan.

1.6 Landform suggest that greater flexibility with regard to development in the countryside and on the edge of existing settlements specifically for self and custom house building would be a more appropriate mechanism to meet the demands of self-builders, rather than simply requiring the inclusion of self-build plots on larger house building sites.

1.7 A further issue is that the Council will, in part, meet the demand on their register through single plot developments. Since October 2016, the Council have permitted a number of single plot dwellings. We do not consider this approach meets the needs of self builders and provisions should be put in place to ensure that single plot permissions are developed in a manner which accords with the legal definition of self-build and custom housebuilding in the Self-Build and Custom Housebuilding 2015.

1.8 In this context it is worth noting the conclusions in two appeals (ref: APP/G2435/W/18/3214451 and APP/G2435/Q/18/32144) at Hepworth Road, Woodville dated 25 June 2019. In respect of single plot dwellings, the Inspector concluded, “To my mind this raises considerable doubts as to whether any of the single dwelling permissions would count towards the number of planning permissions the Council has granted for serviced plots and thus whether these consents would actually contribute towards the delivery of self-build and custom housebuilding in the District.”

1.9 NaCSBA has provided a Technical Paper (Appendix 1) which concludes that neither emerging Policies SCLP5.4 nor SCLP5.9 as currently worded would be sufficient to adhere with the requirements of the NPPF or the guidance in the PPG, nor would they enable the Council to meet its duty under the Self Build and Custom Housebuilding Act 2015 (as amended).

1.10 In conclusion, there is a clear and immediate requirement for self-build and custom build plots, and given the local demography, draft Local Plan Vision, and focus by Central Government, the draft Local Plan should place a greater emphasis on the focused delivery of such accommodation. In addressing this shortcoming, the draft Local Plan should be amended to include the following:

1. Review of single plot permissions to ensure they meet the legal definition of self-build and custom housebuilding; and,

2. Specific additional allocations for custom build / self build of appropriate sites to meet the 280-unit shortfall identified through the register.
Annex

Commentary on the Draft Suffolk Coastal Local Plan Self-build and Custom Housebuilding policy

Introduction

The Right to Build Task Force has been asked to provide a commentary on the emerging Draft Suffolk Coastal Local Plan policy relating to Self-build and Custom Housebuilding to inform the preparation of a Hearing Statement by Barton Willmore on behalf of Landform Martlesham Ltd. relating to Matter 4 of the Examination into the Draft Plan.

Hearings are scheduled to begin on Tuesday 20 August and close on Friday 20 September 2019.

About the Task Force

The Right to Build Task Force was launched in February 2017 by the National Custom and Self Build Association (NaCSBA) and is funded by the Nationwide Foundation. The Task Force’s aim is to support local authorities, community groups and other organisations (including Garden Town and Village promoters, developers, landowners and Local Enterprise Partnerships and their representatives) across the UK to deliver larger scale, affordable Self-build and Custom Housebuilding projects.

The Government indicated its support for the Task Force in its White Paper Fixing our broken housing market and underlined the potential of Self-build and Custom Housebuilding in helping drive the diversification of the housing market, boost housing supply and give more people more choice over the design of their own home.

The work of the Task Force is national, wide ranging and highly regarded. To date it has assisted over 60 organisations to support more Self-build and Custom Housebuilding. This work has included advice on the preparation of local plan policies and action plans, advice on the inclusion of large scale plot releases in garden settlements and the disposal of public land for pilot projects to meet local demand for serviced building plots. The Task Force also liaises closely with the Ministry for Housing, Communities and Local Government.

The Task Force is overseen by a board which includes representatives from NaCSBA and a variety of sector organisations, including Homes England, the Ministry for Housing, Communities and Local Government, the National Housing Federation, Local Government Association, Royal Institution of Chartered Surveyors and Royal Town Planning Institute. Its ambassador, Richard Bacon MP for South Norfolk, steered through Parliament a Private Member’s Bill which became the Self-Build and Custom Housebuilding Act 2015 and he Chairs the All-Party Parliamentary Group on Self-Build, Custom and Community Housebuilding and Place-Making.

This backing demonstrates wide-ranging support for the Government’s commitment to grow the Self-build and Custom Housebuilding sector, giving people the ’Right to Build’ and requiring local authorities through
the above legislation to allocate land for people to build or commission their own affordable home to suit their needs, as can be done in most of Europe at scale.

**Duties on Councils to Support Custom and Self Build Housing (The Right to Build)**

A key role of the Task Force is to support the delivery of the Self-build and Custom Housebuilding Act 2015, as amended by the Housing and Planning Act 2016.

Under this primary legislation and accompanying secondary legislation all ‘relevant authorities’ in England (including local planning authorities) have a legal duty to keep a register of individuals and associations of individuals (i.e. groups) who are seeking to acquire serviced plots of land in the authority’s area and to have regard to that register when carrying out their planning, housing, land disposal and regeneration functions. Unless exempt, they also have a legal duty to grant sufficient ‘development permissions’ to meet the demand for Self-build and Custom Housebuilding in their area. The duty to keep a register was commenced on 1st April 2016 and the duty to grant sufficient ‘development permissions’ to meet the demand on the register was commenced on 31 October 2016.

Under these provisions local authorities in England must meet local demand by consenting serviced plots on an annual basis after an initial period to establish and implement an appropriate strategy – the demand from 1 April to 31 October 2016 must be met by 31 October 2019, the demand from 1 November 2016 to 31 October 2017 must be met by 31 October 2020 and so on. The potential for policies and larger and smaller site allocations in local plans to meet some of this demand should therefore not be underestimated, provided that such policies are robust and land allocations are deliverable.

These provisions are complemented by the revised National Planning Policy Framework (NPPF) which asks that local planning authorities plan for the needs of different groups with specific housing requirements as part of their overall housing need and that land with permission is developed without unnecessary delay. The need to plan for people wishing to commission or build their own homes is specifically recognised in this context (NPPF, Paragraph 61).

The NPPF also sets out several other policies which should be considered when local planning authorities prepare their local plans which are relevant to providing for Self-build and Custom Housebuilding, including the need to make provision for smaller sites as well as the need to work with developers to encourage the sub-division of large sites where this could help accelerate the delivery of new homes.

It should be recognised however that practice has shown that local registers only provide a short-term, supply-led, picture because they rely on people knowing about the register and then registering their interest. Given its ‘opt-in’ nature and high dependency on publicity and promotion, it cannot predict longer-term demand for plots. Indeed the lack of local awareness of the register is underlined by a national survey in 2016 (Ipsos Mori poll commissioned by NaCSBA) which indicated that 8 of 10 people are unaware that Councils keep a register of people interested in buying a development plot in the local area for a Self-build and Custom Housebuilding project.

In this context it is important to note that Government Planning Practice Guidance (PPG) advises that local planning authorities should use the demand data from the register, supported as necessary by additional
data from secondary sources and other wider market signals when planning for the delivery of a sufficient supply of homes.

**The Draft Suffolk Coastal Local Plan Self-build and Custom Housebuilding policy**

The emerging draft Suffolk Coastal Local Plan (January 2019) was submitted to the Secretary of State for independent examination on 29 March 2019.

The emerging Plan covers Self Build and Custom Housebuilding at chapter five, with paragraph 5.51 of the reasoned justification to the Policy identifying that at November 2018 there were over 250 people on the Suffolk Coastal Self-build and Custom Housebuilding (Right to Build) Register. It is understood that in May 2019 this had increased to 280 people on the Register.

Paragraph 5.5.2 explains that emerging Policy SCLP5.9 sets out the Council’s approach to delivering serviced plots across the district which involves requiring developments of 100 or more dwellings to provide a proportion of serviced plots for self and custom build units, as well as generally supporting the delivery of solely Self-build and Custom Housebuilding developments subject to such proposals complying with all other policies in the Plan.

An extract from the draft Local Plan showing emerging Policy SCLP5.9 is shown below for reference:

![](image)

The evidence base to the Plan includes the September 2017 Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment Volume 2 (Examination Document D12). The Self-build and Custom Housebuilding segment of the market is briefly covered through paragraphs 6.45 to 6.47 which...
acknowledged that paragraph 159 of the NPPF specifically refers to people wishing to build their own homes.

What the Strategic Housing Market Assessment (SHMA) fails to go on and acknowledge however is that this is in the context of the NPPF requirement for authorities to prepare a SHMA to identify the scale and mix of housing and the range of tenures that the local population is likely to need over the Plan period, including addressing the need for people wishing to build their own homes. It asks authorities to cater for housing demand and the sale of housing supply necessary to meet this demand.

Paragraph 6.45 of the SHMA merely refers to the numbers on the Right to Build register across the Housing Market Area (HMA) at the time of publication of the SHMA and the type of projects registrants on the Register had expressed as their preference. Notably, the SHMA makes no longer-term assessment of demand across the HMA and in failing to do so, fails to meet the requirements of Paragraph 159 (or the revised NPPF Paragraph 61) to identify the needs of those wishing to build their own home across the Plan period which runs from 2018 to 2036.

Furthermore, of the site allocations set out at Table 12.3 of the emerging Plan we note that none exceed 50 dwellings, therefore they would not meet the qualifying criteria for Self-build and Custom Housebuilding plots set out in emerging Policy SCLP5.9. In fact we note that only two allocated sites would come forward where the emerging Policy would be engaged. These are site FPP5 in Felixstowe (150 units) and site FPP7 in Trimley St Martin (360 units) which are included in Table 12.4 and carried over from the Felixstowe Peninsula Area Action Plan (January 2017). The result of which would be that a cross the plan period, allocated sites would deliver just 26 Self-build and Custom Housebuilding plots. Furthermore the timing of the delivery of homes on these sites is unclear and we think it is unlikely they will come forward in time to meet the established demand which needs to be met now (as required by the timescales set out in the above legislation).

As previously stated, the emerging Plan identified that at November 2018 there were over 250 people on the Suffolk Coastal Right to Build Register. The PPG advises under the ‘Housing Needs of Different Groups’ section that “to obtain a robust assessment of demand for this type of housing in their area, local planning authorities should assess and review the data held on registers” and that “this assessment can be supplemented with the use of existing secondary data sources...”.

The local planning authority does not appear to have undertaken a robust assessment of demand as consideration has not been given to secondary data sources. In this respect we would draw attention to BuildStore data which shows that there were some 344 people registered with its national Custom Build Register who were looking for a plot within the Suffolk Coastal area. There are also 219 active subscribers on BuildStore’s PlotSearch database who live in the Suffolk Coastal area. BuildStore is the main mortgage broker for the UK Custom and Self Build sector and runs a live registration service, so this market information is relevant.

1 Which had increased to 280 at May 2019
Our observation therefore is that secondary data sources illustrate that the demand within the HMA appears to be greater than that indicated by the Right to Build Register alone. Given the level of demand identified, it is questionable how the authority intends to meet its duty under the Act when the emerging Policy fails to make suitable provision to address identified demand.

**Commentary on Draft Policy SCLP5.9 and SCLP5.4, addressing the Inspector’s questions**

With specific reference to emerging Policy SCLP5.9, the Inspector has asked:

1. **Is the policy justified in terms of need, threshold and minimum target and how would it be effective in encouraging and providing for Self-build and Custom Housebuilding (Matter 4.8); and**

2. **Would Self-build and Custom Housebuilding be provided through Policy SCLP5.4 (Matter 4.9).**

Our observations to both these questions is as follows.

**Matter 4.8**

The local planning authority have failed to undertake a robust assessment of demand as advised by the PPG as they have not undertaken analysis of secondary data sources within their evidence base to supplement the data from their Right to Build Register which cannot be relied on to predict demand over the Plan period. Emerging Policy SCLP5.9 takes an overly restrictive approach to facilitate Self-build and Custom Housebuilding in the district and will have the unintended effect of constraining the provision of much needed serviced building plots.

The proposed threshold of a minimum of 5% Self-build or Custom Build properties on sites of 100 or more dwellings for emerging Policy SCLP5.9 to be engaged means that just two of the proposed allocations would meet this criteria, and could deliver just 26 Self-build and Custom Housebuilding plots, equivalent to just 10% of demand on the Register at November 2018. We accept this threshold is a minimum but, in our experience, will do little to actively promote higher delivery.

Although the policy seeks to supplement this provision by generally supporting the delivery of solely Self-build and Custom Housebuilding developments, any proposals for such housing will need to comply with all other policies in the Plan. Such a policy will, in our experience, have little practical effect on permissioned serviced plots for Self-build and Custom Housebuilding coming forward to meet local demand. There is no evidence available to use to suggest otherwise, particularly with regard to potential windfall sites delivering a steady provision of permissioned serviced plots.

In this respect it is important to be aware that the 17 April 2019 Ledbury appeal decision\(^2\) highlights that the absence of a clear policy to support Self-build and Custom Housebuilding or absence of local initiatives

\(^2\) Ref. APP/P1615/W/18/3213122
to promote it can heighten the risk to local authorities losing planning appeals given the support the NPPF and PPG give to the need for Councils to plan for people who wish to build or commission their own homes. The same principle applies where there is a policy in place but the policy would fail to deliver serviced plots to meet Self-build and Custom Housebuilding demand, as the Council would still remain obligated under its duty to meet demand identified within the relevant ‘base periods’ as required by the above mentioned legislation, yet would have insufficient policy mechanisms to achieve this.

The provisions of emerging Policy SCLP5.9 as currently drafted would therefore appear likely to fail to deliver sufficient permissions to meet demand on the Council’s Register, not forgetting that a robust assessment of demand would in all likelihood identify an even greater level of demand than that identified solely by the local Right to Build Register. This would be contrary to the NPPF and the legal duty placed on the Council.

The way in which the Council monitors delivery of Self-build and Custom Housebuilding plots is also an important consideration. The 2017/18 Annual Monitoring Report (AMR) indicates that the Council have overseen the delivery of 75 plots, comprising 60 Community Infrastructure Levy Self Build Exemption consents and 15 homes on a serviced plot site. Although we would accept that such consents could count toward the provision of serviced plots to meet local demand, the numbers fall far short of the established short-term demand and provide limited evidence of longer-term provision. Should reliance be placed on steady supply of windfall sites to meet longer-term demand, it is important to ensure that such sites actually make provision of permissioned serviced building plots for Self-build and Custom Housebuilding.

The 25 June 2019 Woodville appeal decision provides clarification regarding the way in which local authorities should monitor the provision of suitable development permissions towards meeting demand on their Register.

The appeal sets an important precedent in placing the burden of proof upon local authorities to demonstrate that there is sufficient evidence to prove that there are provisions in place to ensure that permissions that are counted towards meeting demand on their Register would be developed in a manner that accords with the legal definition in the Self-build and Custom Housebuilding Act 2015 (as amended).

In the absence of such proof, a site would not constitute the legal definition of permissioned serviced plots for Self-build and Custom Housebuilding and cannot therefore be counted towards meeting demand on the Register.

It is important that the Plan monitoring of the effectiveness of emerging Policy SCLP5.9 gives consideration to the precedent set by the Woodville appeal with regard to the monitoring of development permissions to meet demand on the Register.

---

3 Ref. APP/G2435/W/18/3214451
**Matter 4.9**

Emerging Policy SCLP5.4: Housing in Clusters in the Countryside supports small-scale proposals for new dwellings within ‘clusters’ in the countryside subject to the cumulative impacts of such developments being considered.

The policy is not a Self-build and Custom Housebuilding-specific policy, and whilst it may create some opportunities, it cannot be relied upon to deliver sufficient numbers of permissioned serviced plots to meet both current and future demand. Reliance upon a policy not specifically geared towards the delivery of Self-build and Custom Housebuilding is likely to result in the Council being unable to meet its duty to meet demand on its Register. This must also be viewed in the context of the Ledbury appeal decision.

**Conclusion**

In light of the evidence before the Examination, our conclusions are that neither emerging Policies SCLP5.4 nor SCLP5.9 as currently worded would be sufficient to adhere with the requirements of the NPPF or the guidance in the PPG, nor would they enable the Council to meet its duty under the Self Build and Custom Housebuilding Act 2015 (as amended).