

# Self and Custom Build Housing

## Supplementary Planning Document

June 2023

# DRAFT

**Calderdale**  
Council

  
**CALDERDALE  
LOCAL PLAN**



## Self and Custom Build Housing Supplementary Planning Document

<b>1 Introduction</b> .....	<b>2</b>
<b>2 What is Self and Custom Build Housing?</b> .....	<b>3</b>
<b>3 National and Local Policy Context</b> .....	<b>4</b>
<b>4 The Self and Custom Housebuilding Register</b> .....	<b>6</b>
Demand in Calderdale for Self and Custom Build Houses .....	6
Monitoring .....	6
<b>5 Assessing the Level of Provision</b> .....	<b>8</b>
<b>6 Delivery of Serviced Plots</b> .....	<b>9</b>
Section 106 Obligations .....	9
Design Code .....	10
Timing of Delivery .....	10
<b>7 Marketing</b> .....	<b>12</b>
<b>8 Affordable Housing</b> .....	<b>14</b>
<b>9 Community Infrastructure Levy (CIL)</b> .....	<b>15</b>
<b>10 Further Guidance and Information</b> .....	<b>16</b>

## Appendices

<b>1 Overview of Process</b> .....	<b>17</b>
<b>2 Conditions on Development</b> .....	<b>18</b>
<b>3 Marketing Strategies</b> .....	<b>19</b>

# 1 Introduction

## Purpose and Scope of this Document

**1.1** The purpose of this Supplementary Planning Document (SPD) is to provide guidance for those seeking to build self and custom build housing in Calderdale, expanding upon policies set out in the Calderdale Local Plan (2018-2033). It addresses the principles and processes that will ensure the delivery of a consistently increased level of this type of housing compared to before the Local Plan's adoption.

**1.2** The SPD will be of particular relevance to self-build plot providers, developers building more than 100 dwellings<sup>(1)</sup>, communities involved in Neighbourhood Planning, Community Land Trusts and anybody else wishing to build their own home.

**1.3** The SPD must be considered in the light of the wider planning policy context, including the Local Plan, a Neighbourhood Plan (if one exists in the area of the proposed development) and the National Planning Policy Framework.

**1.4** Supplementary planning documents should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development. They are subject to public consultation before they are adopted (see the associated consultation statement).

**1.5** This SPD is intended primarily to guide applicants and potential applicants through the process of complying with national and local policies on providing self-build housing as part of housing development. It will also set consistent procedures for Council staff to follow when processing applications.

## Self and Custom Build Housing

**1.6** Self-build and custom housebuilding is a key element of the Government's agenda to increase supply and tackle the housing crisis. The purpose of this Supplementary Planning Document is to guide planning decisions made by the Council, acting as Local Planning Authority, for self and custom build homes. In addition, it provides guidance for applicants as to the planning mechanisms by which they will be delivered.

**1.7** In the Calderdale Local Plan, Policy HS5 states that the Council will seek to promote and support sites for self and custom housebuilding on both land allocations in the Local Plan and on other sites that might come forward during the Plan period where other material considerations indicate that support is appropriate.

**1.8** The Council considers that self and custom housebuilding, if managed properly, can make a meaningful contribution to the overall supply of housing in the area and consequently to the delivery of the Local Plan. The Council additionally recognises the following benefits for residents of self and custom build housing:

- Opportunity to provide lower cost housing
- Enable more self-build housing to be provided via community-led development
- Help to provide jobs for local residents, in particular in the construction industry
- Support a more resilient supply of housing from a diversity of sources, not just volume housebuilders
- Encourage good and distinctive design and sustainable construction

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<sup>1</sup> In Policy HS5, the threshold for a self-build requirement is set at 100 dwellings.

## 2 What is Self and Custom Build Housing?

**2.1** The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) defines self-build and custom housebuilding as:

'...the building or completion by –

- a. individuals,
- b. associations of individuals, or
- c. persons working with or for individuals or associations of individuals

of houses to be occupied as homes by those individuals.

But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.

**2.2** Self and custom build houses are built by individuals or groups for their own use, either by building it themselves or using professional tradespeople. The different needs and specifications required by these individuals which are not available in the current market can be met by self- and custom-built homes. Differences between self-build and custom housebuilding are not distinguished in the legislation; both routes require significant input from the plot owner in the design process of the dwelling.

**2.3** There are various types of self and custom build projects, including:

- individual – an individual purchases a plot of land and builds a house to live in. They may carry out some or all of the construction themselves (self-build), or employ a builder, architect and/or project manager (custom build).
- group – a group of people comes together to design a development which they then occupy. They may build this themselves or with help from a manager.
- developer-led – a house builder divides a larger site into plots and provides a design-and-build service to purchasers. This gives people the chance to tailor existing house designs to suit their own preference and needs.

**2.4** The legal definitions of self-build and custom housebuilding adopted by this document do not include speculative housing provided by a developer off-plan, even those where the final specification of, for example, kitchens or bathrooms is chosen by the purchaser. Planning Practice Guidance states that authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.

**2.5** Individuals or associations wishing to pursue a self or custom build project should consider that for the finished property to meet building regulations, it requires practical experience in various construction trades. Individuals and associations without the necessary experience should receive training – there are books, courses and self-build companies and organisations that provide access to a range of publications, courses and resources – or make sure that they can afford to pay for contractors to fulfil the work.

**2.6** Community Land Trusts (CLTs) are not-for-profit groups set up and run by local volunteers to build affordable homes. Affordable self and custom housebuilding projects may come forward in the borough and the Council will work cooperatively with CLTs.

## 3 National and Local Policy Context

**3.1** The National Planning Policy Framework 2021 sets out at paragraph 62 that “*the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)*”. [emphasis added]

**3.2** Planning Practice Guidance (PPG) states that “*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.*”<sup>(2)</sup>

**3.3** Certain development, including self and custom build housing, can apply to be exempt from the Community Infrastructure Levy (see Chapter 9).

**3.4** In Calderdale, the 2021 Housing Strategy and Housing Delivery Test Action Plan both support self and custom build housing as a way of increasing supply and diversifying the range of developers in the borough.

**3.5** **Calderdale Local Plan Policy HS5** provides support in principle for self and custom housebuilding where other material considerations indicate that support is appropriate. The policy wording is as follows:

### Policy HS5

#### Self-Build and Custom Housebuilding

- I. The Council will actively seek to promote and support sites for self-build and custom housebuilding on both land allocations in the Local Plan and on other sites that might come forward during the Plan period where other material considerations indicate that support is appropriate.
- II. On sites of 100 dwellings or more, the Council will generally seek 5% of the overall capacity to be provided as serviced plots for self or custom build need. In determining the level of provision, consideration will be given to the most up to date evidence contained within the Self-build and Custom Housebuilding Register.
- III. Applications for self and custom housebuilding on serviced plots (both on large sites of 100 dwellings or more and on other sites that may come forward during the Plan period) should comply with other relevant Local Plan policies.
- IV. A marketing strategy should be submitted as part of the proposal to establish the type, extent and duration of marketing. An information pack should also be provided to the Council to be distributed to all appropriate individuals on the Self-Build and Custom Housebuilding Register.

#### Monitoring indicators for HS5

Outcomes	Establish self-build and custom housebuilding as a mainstream housing option
Indicators	a. Number of successful applicants on the Self-build and Custom Housebuilding Register b. Number of permissions granted for suitable sites
Targets	Grant suitable development permission in respect of enough serviced plots of land to match demand on Self-build and Custom Housebuilding Register

**3.6** It is considered that the policy is flexible in its requirements to enable the Council to respond to changing future demands. However, the current register shows that there is a demand for self and custom build housing in

2 Paragraph: 016 Reference ID: 57-016-20210208, Revision date: 8 August 2021

## 3 National and Local Policy Context

Calderdale. As such, larger sites will be required to make provision for self and custom build housing, in the form of serviced plots.

**3.7** In addition to the provision of self and custom build dwellings as part of larger housing schemes, individual schemes for the redevelopment of an existing dwelling or for the provision of further development within the curtilage of an existing dwelling for the purposes of self or custom build development shall be supported, providing it accords with other relevant policies of the Local Plan.

### **Calderdale Garden Suburbs**

**3.8** The Calderdale Local Plan allocates two sites, LP1451 and LP1463, as Garden Suburbs. These are located at Woodhouse and Thornhills respectively, within the Brighouse Local Plan Area. The Local Plan requires masterplanning for these sites which will be adopted through Supplementary Planning Documents (SPDs).

**3.9** The masterplan for Thornhills Garden Suburb identifies specific parcels of land as appropriate for self and custom housebuilding in response to an evidenced demand in south-east Calderdale. For the purposes of Policy HS5, housing numbers from all planning applications on land within LP1463 will be assessed cumulatively and self-build provision concentrated in the identified places.

**3.10** No areas have been identified for self-build plots in the masterplan for Woodhouse Garden Suburb. Therefore, Policy HS5 will apply in the standard manner with plot locations to be identified within the application area by the developer. However, planning applications across LP1451 will still be assessed cumulatively to ensure a strong and consistent level of self-build provision.

**3.11** Applications for development on these Garden Suburbs must be delivered in accordance with other Local Plan policy, this Self and Custom Build Housing SPD and the masterplan / design code SPDs which apply to each Garden Suburb.

**3.12** In line with national policy guidance, the Council attaches significant weight to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Design codes created for self-build plots within the Garden Suburbs should aim for this high standard of design.

## 4 The Self and Custom Housebuilding Register

**4.1** Because one of the greatest barriers to creating an individual home is the availability of land, the Housing and Planning Act 2016 introduced a 'Right to Build'. It requires that all 'relevant authorities' in England have a legal duty to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the Borough for their own self and custom housebuilding. Authorities are to have regard to that register when carrying out their planning, housing, land disposal and regeneration functions. It is also a material consideration in the determination of planning applications. The legislation imposes a duty upon the Council to grant sufficient permissions to meet the demand for self-build and custom housebuilding in their area on a rolling three-year basis.

**4.2** The Council has opened a register in accordance with the Act to better understand the need for serviced plots. The Council has included additional questions, researching the preferences of those on the register. This includes locations within the Borough they would prefer, the type of self or custom build property they are interested in building and the number of bedrooms they are seeking. Entry onto the register does not guarantee that a suitable plot will be identified or become available, but it does provide valuable information on demand for self and custom build housing in the Borough and forms a key part of the Council's evidence base of demand for this type of housing.

**4.3** Government regulations state that to be eligible for entry on to the register, an individual and all members of an association must be:

- Over 18
- A national of the UK, the European Economic Area, or Switzerland
- Seeking (either alone or with others) to acquire a serviced plot of land within Calderdale to occupy as your sole or main residence

**4.4** Applications to the Council's self-build register can be submitted at: <https://calderdale.gov.uk/self-build-register>

**4.5** You do not need to be on the register to carry out a self-build or custom build project. You can still find a site, apply for planning permission and build it yourself as normal. Neither does being on the register mean that the Council is obliged to find you a site for your project.

**4.6** Data protection obligations mean that the contents of the register are not public. We will not pass identifiable information from the register on to anyone outside the Council without the written consent of the person who registered their details. We may publish 'headline' data, e.g. the number of people on the register in a particular area.

**4.7** It is recognised that the self-build register does not necessarily provide a full picture about demand for self-build and custom housebuilding in the Borough. Government guidance suggests that there may be other information sources that can contribute to a 'robust assessment of demand.'<sup>(3)</sup>

### Demand in Calderdale for Self and Custom Build Houses

**4.8** Calderdale's self-build register indicates a relatively strong demand for self and custom housebuilding in the borough. It is organised according to Base Periods running from 31 October to 30 October the following year. At the close of Base Period 7 (30 October 2022), 198 individuals and three associations had registered. Of those, there were 155 applicants who confirmed they would be interested in obtaining a plot as part of a larger development.

### Monitoring

**4.9** The Self-Build and Custom Housebuilding legislation does not provide any details on how local authorities should record 'suitable development permissions'. In the absence of guidance, the Council considers that single dwelling plots are the most likely to come forward as self-build or custom-build projects. Planning permissions for these types of schemes could therefore be 'suitable' for the legislation. This does not mean, or require, that they are delivered as self-build or custom-build homes (and not all will be). CIL exemption certificates, when applicable in Calderdale (see Chapter 9), will also be used to monitor the number of serviced plots delivered during the reporting year.

**4.10** The Council will publish an annual report (separately to the Authority Monitoring Report of other planning data), and make it available on its website, containing the number of individuals and associations on its self-build register and information relating to the type of plots desired and any location preferences. Please note that any

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3 Planning Practice Guidance Reference ID: 02a-021-20160401

## 4 The Self and Custom Housebuilding Register

figures relating to preferences of location may show a skewed representation of demand in each place as register applicants are able to select multiple areas of preference.

**4.11** As a planning application may not necessarily state that it is for a self or custom build dwelling, the number of self and custom build permissions granted is established through the annual monitoring process. An initial sift of permissions granted for single dwellings with CIL self-build exemption certificates is undertaken, followed by investigation of the applications for evidence of the applicant's primary input into the final design and layout (for example, a good indication of this is whether the client on architects' drawings is also the planning applicant) and where the applicant is an individual rather than a company. Any specific multiple plot self-build applications are also included.

**4.12** The supply of self and custom build homes will continue be monitored through the annual monitoring process to ensure the Council is delivering the required supply against the need evidenced on the self-build register. The report will provide information on the number of individuals and associations on the register within the relevant base periods, as well as the number of plots secured through relevant planning permissions granted since the register was established. This will provide an indication on the Council's progress on meeting Calderdale's self and custom build needs.



## 5 Assessing the Level of Provision

**5.1 Local Plan Policy HS5 (Self-Build and Custom Housebuilding)** provides support in principle for self and custom housebuilding where other material considerations indicate that support is appropriate.

**5.2** It is recognised that land is a finite resource in the borough making it often difficult for self and custom builders to acquire suitable plots of land for development. As such, the Council's strategy to meet its duties is principally focused on delivery of serviced plots on large-scale housing development sites.

### Assessing the Level of Requirement

**5.3** On sites of 100 dwellings or more, the Council will generally seek 5% of the overall capacity to be provided as serviced plots - defined by Planning Practice Guidance as a parcel of land with legal access to a public highway and at least foul drainage and electricity supply available at the plot boundary - for self or custom build need. In determining the level of provision, consideration will be given to the most up to date evidence contained within the self-build register.

**5.4** The calculation of the self and custom build housing requirement will be undertaken in terms of the gross number of self-contained dwellings proposed. Where the percentage of self and custom build housing sought does not result in whole numbers of units, the number of dwellings or plots will be rounded up.

**5.5** Developers on sites eligible for the requirement should include reference to the area designated for self-build plots in their application and demonstrate what proportion of the total development will be such plots and why. Any developer believing that their scheme should be exempt from the requirement of Policy HS5, due, for example, to it being a high-density flatted development or specialist housing provision, should justify this in the application, and is encouraged to discuss the matter with the Council at pre-application stage if appropriate.

### Worked Examples

#### Example 1:

Outline planning application for 288 houses

Over 100 total dwellings = requirement triggered

5% of 288 = 14.4

Self-build requirement: 15 plots

#### Example 2:

Outline planning application for 10 houses and 93 apartments (mill conversion) (103 total dwellings)

Over 100 total dwellings = requirement triggered

5% of 103 = 5.15

Self-build requirement = 6 plots

Developer may choose to argue that provision is not appropriate or to provide custom-build spaces in the mill

#### Example 3:

Full planning application for 35 houses

Fewer than 100 total dwellings = no requirement

## 6 Delivery of Serviced Plots

- 6.1** This chapter sets out the process from planning application to delivery of the serviced plots for building out:
- Outline or hybrid<sup>(4)</sup> planning application is submitted to the Local Planning Authority. If the proposal triggers the requirement for self-build provision as explained in Chapter 5, the application must identify which part of the site will be set aside for the serviced plots. For sites delivering self or custom build plots, whether part of a requirement through Policy HS5 or not, schemes are expected to make the following provisions:
    - a. A legal access to a public highway (or equivalent) for each individual plot
    - b. A connection to services, i.e. electricity, water and drainage, at the boundary of each plot
    - c. For sites of more than one unit, a Design Code to help clarify and guide what form of dwelling is appropriate, e.g. size, height, materials, giving greater certainty for all parties involved. The outline planning submission should avoid fixing the details concerning the appearance of the dwellings.
    - d. A phasing plan, on sites over 100 dwellings, to ensure CIL is not triggered for the self-build element due to commencement elsewhere on the site. On schemes providing a range of housing types and tenures, it is recommended that development proposals are divided into separate phases for site infrastructure, speculative development, and each serviced plot.
  - If the application is approved, conditions and legal agreements or unilateral undertakings (Section 106) will be attached to the development permission to ensure the number and mix of plots, the marketing strategy (sites over 100) and the delivery of the serviced plots alongside market housing, including any or all of items a to d above. Examples of standard conditions may be found in Appendix 2.
  - Sites of over 100 dwellings are subject to a further requirement to undergo a minimum 12-month marketing period in accordance with a strategy compliant with the principles in Appendix 3, which must be submitted to and agreed by the Local Planning Authority before the marketing period may begin.
  - Once the plots have been sold, design details should be applied for via a reserved matters application to be submitted by the future occupants. These should include a site plan, full elevational plans and a complete set of floorplans. The Council would then consider the reserved matters application against the conditioned code.
- 6.2** The process set out in this chapter is also presented in a simple flow chart in Appendix 1.

### Section 106 Obligations

- 6.3** To ensure that self and custom build housing provision is delivered in a way that meets local need, the Council will seek to secure a Section 106 which sets out obligations regarding the amount, type, mix and priority mechanisms that the self-build or custom housebuilding must achieve.
- 6.4** The Section 106 planning obligation will mirror the terms of the CIL Regulations 2010 (as amended) exemption provisions and ensure that the self-builder and custom housebuilder must remain as the occupant of the dwellings for a minimum of 3 years after completion in order to benefit from the exemption.
- 6.5** The Section 106 planning obligation will seek to secure that self and custom build housing provision will need to be made available and actively marketed before occupation of 50% of market housing provision.
- 6.6** Providers of self and custom housing building will be required through the S106 to market appropriately serviced plots and ensure they remain available for at least 12 months at a price which is comparable to other serviced plots marketed in the Borough of Calderdale in the same 12-month period. If after 12 months a serviced plot has been made available and actively marketed but has not sold, the plot can either remain on the open market or be built out (subject to reserved matters permission) by the developer in accordance with the Design Code and other relevant Local Plan policies. Plot providers reverting self-build and custom housebuilding back to market housing will be responsible for the full CIL liability.

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4 Hybrid planning applications are those that are partly submitted in outline, with selected elements of the proposal detailed in full.

## 6 Delivery of Serviced Plots

### Design Code

**6.7** To ensure that self and custom housebuilding is of high-quality design, the Council will consider applications against relevant Calderdale Local Plan policies, particularly **Policy BT1 (High Quality, Inclusive Design)**.

**6.8** All sites where more than one self or custom build home is proposed are required to be supported by an illustrated design code.<sup>(5)</sup> A design code should be prepared by the plot provider after the outline planning stage and should provide the Council as well as potential self and custom housebuilders with a clear set of design rules and parameters that future development will have to comply with. Design codes vary depending on the amount of development proposed and the context of the site. While agreeing the design code with the applicant, the Council will review the preferences of people on the register to advise developers and landowners on the type of self and custom housebuilding required in the relevant area, particularly in terms of bedrooms and square footage.

**6.9** A design code may include some or all of the following:

- Building height, massing and bulk
- Plot size and width
- Plot ratios, site coverage and density
- Urban grain – street and building pattern and connectivity
- Building lines and boundary treatments
- Building orientation
- Landscaping and the public realm
- Building frontage and townscape features
- External materials
- Car parking and cycle storage and access
- Provision of waste and recycling storage

**6.10** Outline permissions will be conditioned to ensure the design code is agreed with the Local Planning Authority in a timely manner. Because the design code will be prepared and agreed prior to marketing, and required as a condition of development permission, potential purchasers of the plots being marketed will be provided with sufficient certainty about what could be built.

**6.11** Self and custom build housing will by its very nature be more diverse than conventional market housing so it is important for applicants and the Council to carefully consider how this form of housing is integrated into a scheme. The self and custom build housing on a scheme should be arranged in a series of parcels clustered in an allocated hub or area within a larger site. This would ensure that the design character and wider housing offer across the site is not compromised; 'pepper potting' should be avoided. Arranging self and custom build housing in clusters will also enable construction traffic and different build-outs to be more easily managed.

**6.12** Calderdale Council will also be adopting a Placemaking & Design Guide SPD to provide additional guidance on the implementation of Local Plan Policy BT1. The document will provide guidance to ensure that all development in Calderdale, from new housing developments to town centre regeneration and highway schemes, delivers a consistent and high-quality standard of design. The document will also help speed up the planning process by providing applicants with clear, locally specific design guidance, which in turn will improve housing delivery. Upon adoption, it will assist Council officers in appraising the design quality of a scheme and be taken into account during the assessment of design codes and reserved matters applications submitted in relation to self and custom housing.

### Timing of Delivery

**6.13** Serviced plots shall be made available for construction of self and custom build homes before or 'in step' with the delivery of the conventional dwellings.

**6.14** To ensure the identified demand is met in a timely manner, the first serviced plots should be made available for marketing prior to the occupation of 50% of the total dwellings. On larger sites of more than 400 units, the plots should be marketed prior to occupation of the 200th dwelling, subject to the proposed phasing and site-specific negotiations. When determining the precise timing, the Council will take account of the location of the plots within the site and the phasing of surrounding development.

5 <http://planningguidance.communities.gov.uk/blog/guidance/design/which-planning-processes-and-tools-can-we-use-to-help-achieve-good-design>

## 6 Delivery of Serviced Plots

**6.15** Plots will need to be accessible to heavy vehicles required for construction. If necessary, developers will need to engage with the highway authority to explore if alternative or temporary access arrangements can be made to the self and custom build element of the scheme to facilitate early delivery of plots and tackle any site safety issues.

**6.16** The Local Highway Authority may require the serviced plot provider (the applicant who secures outline planning permission) to enter into a Section 278 agreement to ensure the provision of safe roads, access routes and junctions. This will ensure roads can be brought up to an acceptable standard as development is completed. On smaller scale developments, it may be more appropriate to deal with access arrangements through a planning condition.

**6.17** It is desirable that plots also have surface water drainage, telecommunications services and gas (or district heating) if available. The servicing of plots may be carried out in phases, with key services required for plot sale (water, electricity and access) provided before services required for occupation (sewerage, telecommunications and gas).

**Examples of recently built detached self-build houses in Calderdale. Note use of local materials and scale to match the vernacular.**





# 7 Marketing

## Smaller Sites

**7.1** Housing sites providing self and custom-build housing but which have a total of fewer than 100 proposed dwellings are not subject to any of the marketing requirements in this chapter. However, developers are still welcome to share details of serviced plots with the Council for distribution among individuals on the Self and Custom Build Register to assist in finding a buyer and meeting local demand.

## Large Sites

**7.2** Where plots for self-build and custom housebuilding are required on large housing sites (100+), plots will be expected to be marketed for a minimum period of 12 months, in accordance with the conditioned marketing strategy. The marketing of plots may begin sooner, but the 12-month period shall begin at the from the point at which plots are available for purchase.

**7.3** The marketing strategy should set out how plots will be marketed through an active local campaign, such as promotion on social media and relevant websites and should include consideration of targeted marketing to potential self-builders and local groups, alongside roadside marketing boards. An information pack known as a 'Plot Passport' (see example overleaf) should also be provided to the Council to be in turn provided to all individuals on the Council's Self and Custom Build register who have opted to receive such information.

**7.4** The plot passport document should provide potential purchasers with clear and concise summary of the design parameters for a specific plot, including details such as the specific location, plot size (m<sup>2</sup>), numbers of storeys and bedrooms, ridge height, what car parking is required, and where services will enter the plot. It should provide everything for an architect preparing a planning submission.

**7.5** The Council would expect the developer to adhere to the following procedure:

- a. When the serviced plots are ready for marketing, the developer should notify the Council;
- b. The Council will contact individuals and associations on the register with details of the plots and how they can be acquired;
- c. Prospective self and custom builders that are in a position to proceed with the purchase will be invited to submit a notice of interest to the developer indicating that they wish to purchase a plot within three months of those individuals having been notified by the Council of the plots' availability.
- d. In the event that the developer has not received a notice of interest for all the plots, or if any person who serves a notice of interest fails to complete the purchase and transfer of the plot, then such plots can be marketed for self-build on the open market.

**7.6** In order to ensure the self or custom builder understands the parameters for the development of their plot from the outset, plots should not be marketed until a design code has been submitted to and agreed by the Local Planning Authority. While plots do not necessarily need to be serviced at the time of marketing, the plot should be sold with clear timescales of when services will be connected.

**7.7** Plots should be marketed for no less than 12 months in total (unless they are sold prior to this time). Marketing should be undertaken in accordance with the principles set out in Appendix 3 to ensure the market is properly tested at a fair open market value.

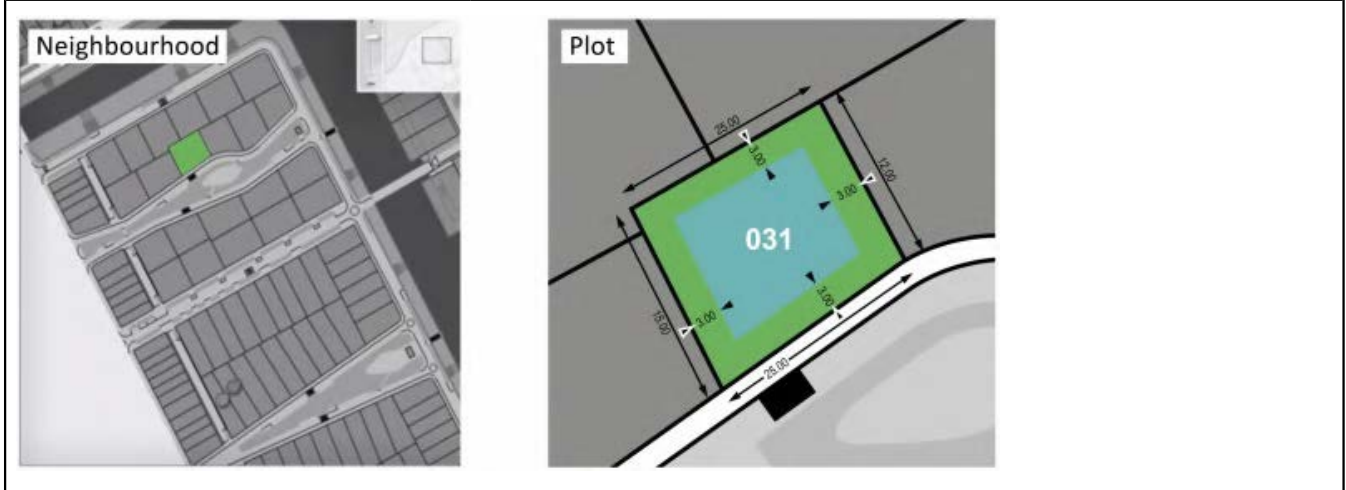
**7.8** Where plots are marketed for self and custom build purposes and a period of 12 months has elapsed without take-up, then any variation through application or deed of variations for alternative housing or other uses will need to be justified with details that demonstrate a thorough marketing strategy at an appropriate price has taken place. Unless it has been demonstrated that plots have been appropriately marketed, alternative housing purposes or other uses are unlikely to be supported.

**7.9** Once plots have been marketed for the minimum period, they may then remain on the market as self- and custom build plots, be offered to the Council or its partner housing association, or be built out by the landowner as appropriate.

**7.10** Open market plots, including those delivered via Policy HS5, will be sold at market prices. Resale of completed self and custom build dwellings would be at open market values, unless it is also recognised as affordable housing which would be subject to the appropriate resale value restrictions.

*Illustrative Only - Example Plot Passport*

Core Data	Notes, Planning Conditions and Legal Covenants
<p><b>Location:</b> Near Royd, Ovenden</p> <p><b>Plot Number:</b> 031</p> <p><b>Gross plot area:</b> 225 sq m</p> <p><b>Maximum developable area:</b> 110 sq m</p> <p><b>Land price:</b> £40,000</p> <p><b>Plot Servicing Charge:</b> £15,000</p> <p><b>Total Price (including Stamp Duty Land Tax):</b> £55,000</p> <p><b>Planning Reference Number:</b> 23/00001/OUT</p> <p><b>Land Registry Title Number (if available):</b> DN123456</p> <p><b>Annual common green space maintenance charge:</b> £100</p>	<ul style="list-style-type: none"> <li>• Reserved matter planning approval of the details, layout, scale and appearance of the dwelling shall be obtained from the Local Planning Authority in writing before commencement (if a Local Development Order does not exist);</li> <li>• Plot is for one dwelling only;</li> <li>• Dwelling cannot be a home in multiple occupation;</li> <li>• Dwelling must be the occupier's sole or main residence;</li> <li>• Dwellings will include at least one on-plot parking space;</li> <li>• Community Infrastructure Levy payment will be liable if property sold within 3 years;</li> <li>• This site is fully serviced with fresh water, foul drainage, electricity and telecommunications available at the plot boundary</li> <li>• Plot and site have legal access to a public highway. On-site roads will be constructed to an adoptable standard;</li> <li>• All S106 contributions have been paid;</li> <li>• Each dwelling will be subject to an annual green spaces maintenance service charge;</li> <li>• The dwelling design will conform to the design code for the site;</li> <li>• The dwelling shall be completed within 3 years of purchase;</li> <li>• Full details of access, highways construction, on-site play, open space, biodiversity mitigation and SuDS surface water drainage strategies have already been agreed and approved</li> </ul>



## 8 Affordable Housing

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**8.1** Self and Custom Build Housing will only be accepted as a contribution to the affordable housing provision on a site in exceptional circumstances.

**8.2** While self build housing can make a contribution to meeting local housing need, it does not automatically come under the definition of affordable housing. It may be low cost but it is generally considered to be market housing unless it meets the definition of affordable housing. The Council will not normally expect a development to offer its self build element as affordable housing.

**8.3** There are a number of mechanisms for delivering self and custom build housing that is also affordable housing. These mechanisms include:

- Where developers/landowners are able to work in partnership with a recognised Housing Association or alternative registered affordable housing provider.
- Where a self-builder commits (via an agreed legal document) that the resale of the dwelling shall be restricted to an eligible household for at least a 20% discount on market prices.

**8.4** The procedure securing affordable self-build homes is addressed through the Affordable Housing Supplementary Planning Document.

## 9 Community Infrastructure Levy (CIL)

**9.1** The Community Infrastructure Levy (CIL) is a charge levied on development such as new homes to help fund and deliver infrastructure in the local area. It was introduced by the Government on 6 April 2010 through the [CIL Regulations 2010](#). Calderdale Council aims to introduce the levy in 2023/4.

**9.2** CIL regulations were amended in 2014 to make provision for exemption for self-build housing. In simple terms, a self-build home, if appropriately qualifying as such and if appropriate documentation is provided to the Council in a timely manner, would not need to pay any CIL charge.

**9.3** For CIL exemption purposes, the CIL regulations define self-build and custom housebuilding as: *“Housing built or commissioned by a person and occupied by that person as their sole or main residence for the duration of the clawback period (3 years).”*

**9.4** Those developments that qualify as self-build will still be required to accept liability for CIL and declare that their development is intended to be self-build, prior to the commencement of development. If the dwelling is sold or let within 3 years of completion, the Council will claw back the CIL liability, meaning the owner will have to pay the full CIL charge for the dwelling. Since the CIL is a land charge, this will appear on any search a potential buyer carries out regarding the property. Occupancy will be monitored through council tax and electoral roll records.

**9.5** Exemption for self-build dwellings will only be permitted where there is a convincing case that the development is genuinely self-build development and in the spirit of the CIL self-build exemption regulations. Where a speculative developer is considered to be seeking to avoid CIL, for example by selling off-plan dwellings with customised features via a full or reserved matters planning application, the Council will not consider this to be true self-build for the purposes of gaining exemption from CIL.

**9.6** For developers reverting self-build plots back to speculative or regular open market plots, the CIL exemption will no longer apply and the dwellings will be liable for the full CIL charge.

**9.7** It is possible that during the lifetime of the Local Plan, S106 agreements and CIL will be replaced by a new *Infrastructure Levy* being consulted on by the Government. The principles regarding obligations for delivery of self and custom build housing contained within this SPD will be transferred to this new system if brought into use.



## 10 Further Guidance and Information

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**10.1** The Self Build Portal ([www.selfbuildportal.org.uk/](http://www.selfbuildportal.org.uk/)) provides a wide range of information on self and custom housebuilding. It is produced by the National Custom and Self Build Association (NaCSBA).

**10.2** NaCSBA has also assembled an online toolkit to provide further information on and highlight examples of self and custom housebuilding from the UK and Europe. The toolkit can be found at [www.customandselfbuildtoolkit.org.uk](http://www.customandselfbuildtoolkit.org.uk).

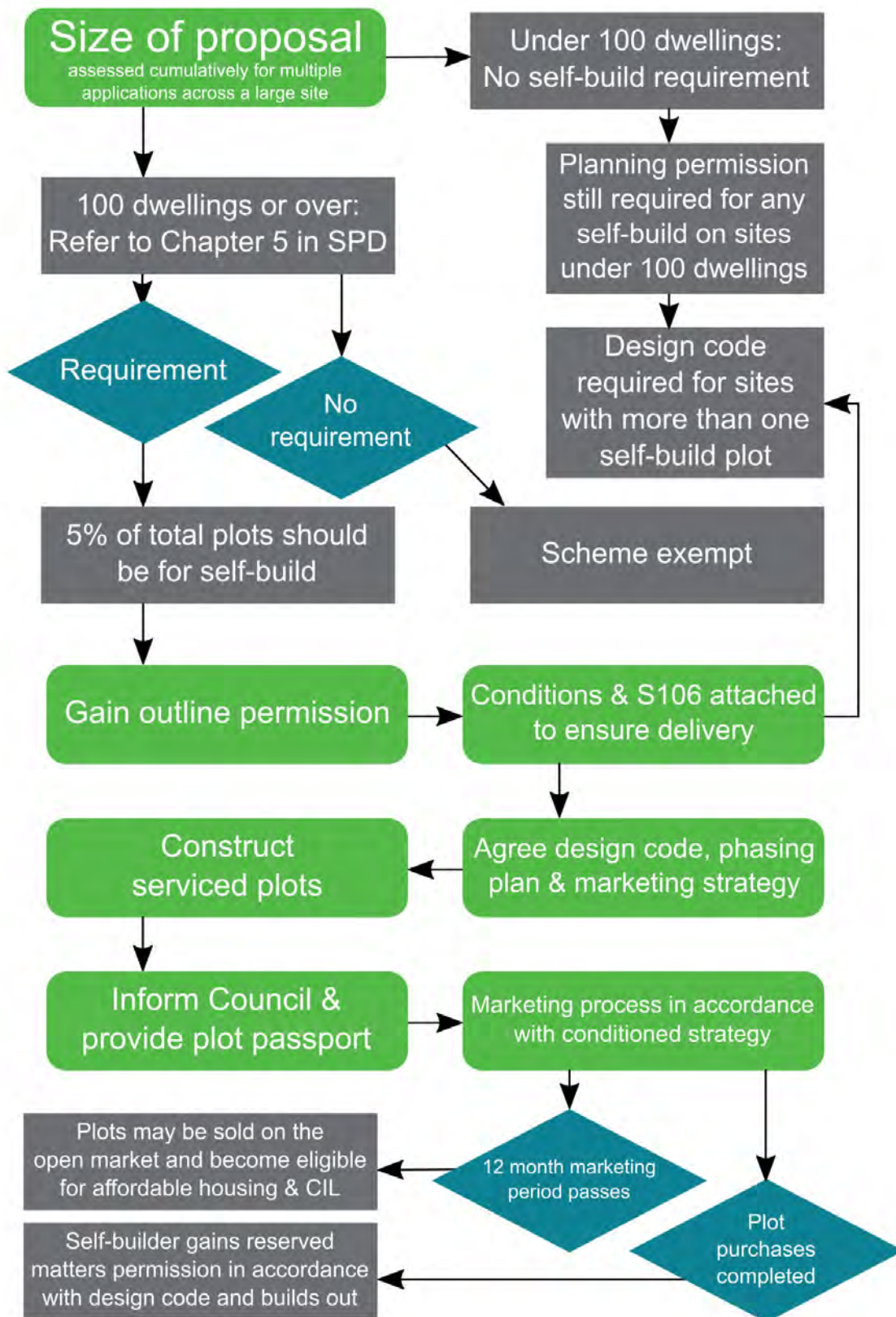
**10.3** There is a range of information including self-build finance providers and insurers set out on the [Build Store](#) website.

**10.4** The Government has also prepared [Planning Practice Guidance](#) on self and custom housebuilding.

**10.5** The Council offers a pre-application advice service and applicants are encouraged to use this service at an early stage of the development process. This service may be particularly helpful for sites with significant development constraints such as flooding or land contamination.

**10.6** The construction of new build dwellings is not subject to VAT, so self-builders can reclaim their VAT within 3 months of completing the work. Further information should be sought from [HMRC](#).

**10.7** Once planning permission has been secured, any self or custom housebuilding project will be required to be designed and built in accordance with Building Regulations and associated legislation. The Council's [Building Control Team](#) can provide more information on what is required at each stage of the design and construction process.



## Appendix 2: Conditions on Development

**A2.1** For transparency and to speed up the consideration and approval process of schemes involving more than one plot for self or custom build housing, the Council provides the following standard conditions and S106 clauses.

**A2.2** However, all proposals will be treated on their merits, and the following may not be suitable in all circumstances. They should be treated, therefore, as a starting point for discussion.

### Standard Conditions

- The self-build dwellings hereby approved shall be developed as single plots as shown on the drawings submitted and specified in condition 1 and shall be completed in phases, details of which shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted consists of solely self-build dwellings as defined in the Custom Housebuilding Act 2015.
- No reserved matters applications shall be submitted for the development until and unless a Design Code for the site has been submitted to and approved in writing by the Local Planning Authority. The Design Code shall consist of guidance and coding relating to the following matters: plot size and width; character areas; building typologies; boundary treatments; building heights; landscaping and public realm.
- The details to be submitted at reserved matters stage for the self-build plots shall follow the principles on the submitted layout plan drawing number XXX dated XXX and the approved Design Code.
- The development shall be carried out in accordance with the approved Phasing Plan, drawing number XXX, received XXX. Each reserved matters application will need to show how it complies with the phasing plan and its relationship with each plot/phase and submit a street scene to demonstrate the relationship with other approved plots/phases.
- Prior to first occupation of the Xth (e.g. 50th - half number of total dwellings) market house unit the self-build area shall have all services and vehicle access provided to base course level.

### Standard S106 Clauses

- Prior to first occupation of the Xth (e.g. 50th - half number of total dwellings) market house unit the self-build area shall be marketed for sale at full market value or below to individuals on the open market and on the Self-Build Register.
- A marketing strategy for the self-build elements of the development shall be prepared by the applicant in accordance with Appendix 3 of the Self and Custom Build Housing Supplementary Planning Document and submitted to and approved by the Local Planning Authority. Upon approval, a formal marketing period for the serviced plots lasting no less than twelve months shall begin in accordance with the agreed strategy.
- If contracts for the sale of any of the plots within the self-build area have not been exchanged after (1) twelve months have elapsed since the beginning of the formal marketing period, and (2) the Local Planning Authority has, subsequent to the receipt of a satisfactory Marketing Report, agreed to the following in writing, the relevant self-build plot may be either constructed as a Custom Build home or sold on the open market free from any self-build encumbrance.

The following clauses will only be applicable if and when Calderdale Council adopts the Community Infrastructure Levy or any successor levy:

- A person is eligible for an exemption from liability to pay CIL in respect of a chargeable development, or part of a chargeable development, if it comprises self-build housing or self-build communal development. Self-build housing is a dwelling built by (including where built following a commission) and occupied by that person as their sole or main residence.
- A person who wishes to benefit from the exemption for self-build housing must submit a claim to the collecting authority in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
- The exemption is withdrawn in the case of, within three years of occupation, (1) the dwelling ceasing to be the sole or main residence of the self-builder, or (2) the dwelling being sold to another party. In this circumstance the Council has the right to claw back any CIL monies which would have been chargeable during the three year period.

**A3.1** This guidance sets out what is expected from applicants undertaking a marketing exercise as part of the sale of self-build plots on large sites. As part of any relevant planning application, it will be necessary to submit a statement demonstrating a robust marketing strategy which will be followed, which should include the principles below.

### Marketing Period

**A3.2** Unless there are significant material considerations to justify otherwise, the marketing exercise should be undertaken for a period of at least twelve months in total (in accordance with the adopted Local Plan, Policy HS5) and of a professional standard which could result in either:

- A sale which will enable the implementation of housing by a self or custom builder; or
- Evidence that there is no demand for the particular use of a site/premises other than at substantially below current market value.

**A3.3** References to a marketing report below are applicable in the circumstance of plots failing to sell within the 12-month period, and will be required at that stage by the Council to determine whether they have been appropriately marketed and therefore whether they have become eligible to be built out as conventional market housing, subject to reserved matters.

### Proportional Approach

**A3.4** This note sets out the minimum standard of marketing, however it is recognised that any such exercise should be proportional to the size and characteristics of the site. Applicants are required to prepare the detail of their marketing strategy in line with the principles below and submit for approval from the Council before the 12-month period may commence.

### Marketing Requirements

**A3.5** The following should ordinarily be undertaken as part of the marketing of the site, and should be evidenced within any subsequent marketing report.

- *Production of property particulars*
  - Photograph of the site
  - A description including permitted floor areas
  - Planning status
  - Location plan
  - Site plan
  - Details of the price
  - Tenure
  - Current use
- *Agency board*
  - An agency board may be displayed at the site. A photograph (and details of when it was displayed) should be provided within the marketing report.
- *Advertising - details may be advertised via a range of media including the following*
  - Newspapers
  - Magazines
  - Websites
  - Agents windows
  - Any other specialist publications
  - Copies of any adverts, showing the publication and date must be provided with the marketing report.
- *Proactive marketing actions*
  - Once the marketing exercise has started, the appointed agents may choose to carry out the following activities. These should be documented in the marketing report.

## Appendix 3: Marketing Strategies

- Mail shots and social media: Agents should keep a record of any activity undertaken.
  - Viewings: A record of viewings should be kept and details of interest shown in the property.
  - Follow-ups: All potential interest should be recorded and followed up with reasons given if the potential interest is not progressed.
- *Review of exercise*
    - Within a reasonable period of time following the start of the marketing exercise, if there is a lack of interest in the self-build plots, the marketing should be reviewed by the agent and the vendor with a view to adjusting the marketing which could include a review of the price as appropriate.

### Marketing Report

**A3.6** If the marketing exercise proves unsuccessful (i.e. the plot cannot be sold for self or custom-build use other than at substantially below market value within a 12-month period), a marketing report providing a summary of the marketing exercise should be submitted to the Council. This summary should include copies of all relevant documentation and a record of any interest expressed.

### Next Steps

**A3.7** Information supplied by applicants will be taken into account by officers when assessing any marketing report received following an unsuccessful marketing period. The Council will consult with regard to the quoted price to ensure that this is considered to be reasonable and review its own evidence base in relation to the demand and supply of self-build land.

**A3.8** If the Council believes all reasonable measures have been taken to market the plot(s), this position will be agreed in writing, the conditions and S106 clauses relating to self-build will be removed, and the landowner is free to sell the plot(s) for general housing or build dwellings itself, subject to a reserved matters application (no longer subject to the self-build design code).

**A3.8** If the Council is not satisfied with the efforts to market the plot(s) from the past 12 months, as detailed in the marketing report, it may refuse to lift the self-build planning obligations and instruct to the developer to market the plot(s) for a further period with a new agreed strategy, and re-contact individuals on the self-build register.