

## PART A

**Report to:** Cabinet  
**Date of meeting:** 7 March 2016  
**Report of:** Head of Regeneration and Development  
**Title:** To agree a change to the Executive Scheme of Delegation

### 1.0 **SUMMARY**

- 1.1 From the 1<sup>st</sup> April 2016 the Council will have a new statutory duty under the Self-build and Custom Housebuilding (Register) Regulations 2016 made under the Self-build and Custom Housebuilding Act 2015 to keep and maintain a register of people or associations seeking to acquire serviced plots of land in the borough to build themselves and to have regard to it when exercising the Council's planning, housing and regeneration functions and when considering the disposal of any land.

### 2.0 **RECOMMENDATIONS**

- 2.1 To agree to amend the executive scheme of delegation so that: -  
The Principal Planner in policy is given delegated authority for compiling, determining eligibility, maintaining and publicising the register under the 2015 Act.

**Contact Officer:**

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**Report approved by:** Head of Regeneration and Development

### 3.0 DETAILED PROPOSAL

#### 3.1 Right to Build Initiative

3.1.2 In 2014 the Government announced an initiative called the 'Right to Build'. Further weight has been added through the Self-build and Custom Housebuilding (Register) Regulations 2016 made under the Self-build and Custom Housebuilding Act 2015.

It is intended to operate in the following way:

- prospective self-build and custom builders<sup>1</sup> will be entitled to apply to the Council to have their details placed on a register held by it indicating they are interested in acquiring a suitable, serviced plot of land on which to build or commission their own home
- their details/application will be recorded on a 'Right to Build Register' for their local area
- Local Authorities must have regard to the register and use this as evidence when relating to their area when carrying out their planning, housing, land disposal and regeneration functions.

#### 3.2 Right to Build Register

3.2.1 The Self-build and Custom Housebuilding (Register) Regulations 2016 made under the 2015 Act come into force on 1 April 2016.

The Regulations place a duty on the Council to:

- keep a Register of individuals/associations of individuals who wish to acquire serviced plots of land to bring forward self-build and custom house building projects
- publicise the register and
- have regard to the demand for custom build housing as evidenced by the register when exercising certain functions relating to:
  - a) planning
  - b) housing
  - c) the disposal of any lands of the authority
  - d) regeneration.

3.2.2 In relation to a), national planning policy and guidance<sup>2</sup> already requires LPAs to identify and plan for local demand for custom and self-build housing in preparation of local plans. This legislation means that LPAs should use the Registers as part of their evidence base. It is envisaged that we would stipulate that certain allocated housing sites must provide a certain number of self-build and custom build plots which reflects the interest shown on the Register. These would then be secured through S106 agreements from the owners of the sites.

3.2.3 In regards to b) this means that housing departments should have regard to the registers when carrying out their housing functions. This includes when preparing their local

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<sup>1</sup> Custom build typically involves individuals or groups of individuals commissioning the construction of a new home or homes from a builder or contractor. Self-build is where people physically build the home themselves or work with sub-contractors.

<sup>2</sup> Paragraph 50 of the NPPF requires LPAs to have a clear understanding of housing need in their area and plan to address the need for all types of housing, including the demand from those people wishing to build their own homes.

housing strategies and in developing plans for new housing on land owned by the local housing authority.

- 3.2.4 In regards to c) this means that where the LPA owns suitable land for housing that they consider whether or not it is suitable for sale at market value for custom or self-build housing.
- 3.2.5 In regards to d) this means that when developing plans to regenerate their area, local authorities who are under the duty to have regard to registers that relate to their areas should consider the demand for self- build and custom housebuilding.
- 3.2.7 The Regulations set out in detail the information that relevant authorities must include on their register, eligibility to be put on the register, what an application to go on the register must contain and the time the council has to decide if the person or body applying meets the eligibility criteria
- 3.2.8 As this is primarily an administrative function and the Council has limited scope in rejecting applications other than non satisfaction of the detailed eligibility criteria which is a factual matter it is recommended that the management of the register be delegated to the Principal Planner in the Policy Team in Regeneration and Development
- 3.2.9 **How should relevant authorities publicise their register?**
- 3.2.10 As a minimum, relevant authorities are recommended to hold a webpage on their website that is dedicated to self-build and custom housebuilding. This should be used to set out what the authority is doing to promote opportunities for self-build and custom housebuilding in their area, explain the purpose of the register and how to apply for entry on the register. Relevant authorities are also recommended to consider additional innovative methods of publicising their register to increase awareness of it. They are not required to publish their register but are required to publicise it. It will be the council's intention to have dedicated pages on the web site to comply with these requirements.

#### 4.0 **IMPLICATIONS**

##### 4.1 **Financial**

4.1.1 There are no comments from the Shared Director of Finance.

##### 4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that the requirement to keep this register and to have regard to it when exercising our planning, housing, and regeneration functions as well as when we consider the disposal of any land is a new statutory duty

##### 4.3 **Equalities**

4.3.1 None

##### 4.4 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
High demand for Self-build plots but no land available	2	4	8

4.5 **Staffing**

4.5.1 This will require the policy team a slight addition to dealing with queries and recording individuals to the register

4.6 **Accommodation**

4.6.1 N/A

4.7 **Community Safety**

4.7.1 N/A

4.8 **Sustainability**

4.8.1 None

Background Papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

Background papers:

[Draft Planning Practice Guidance – Self-build and Custom Housebuilding. February 2016.](#)

Self Build and Custom Housebuilding Act 2015

The Self Build and Custom Housebuilding (Register) Regulations 2016