

## **1. Meeting Mid Sussex's Self-Build Needs**

### **Overview**

- 1.1. The Self-Build and Custom Housebuilding Act 2015 (as amended) places a statutory duty on local authorities to maintain a register of individuals and associations seeking to acquire serviced plots of land for self-build and custom housebuilding. Local authorities must also grant sufficient development permissions to meet the demand for self-build and custom housebuilding as evidenced by their register. This duty is intended to ensure that individuals wishing to build their own homes have suitable opportunities to do so.
- 1.2. National policy, as outlined in the NPPF and Planning Practice Guidance (PPG), also requires local authorities to address self-build demand by granting sufficient development permissions. The recent amendments through the Levelling Up and Regeneration Act 2023 (LURA) underscore the importance of councils proactively supporting self-build projects.
- 1.3. The LURA amendments clarified that only permissions explicitly for self-build housing can be counted towards statutory obligations, further emphasising the need for dedicated self-build permissions. This change means that local authorities can no longer count planning permissions that merely 'could' be for self-build towards their statutory obligations. Only permissions that are explicitly for self-build and custom housebuilding, as defined by the Act, can be counted.
- 1.4. Additionally, the LURA amendments clarified that demand not met within three base periods will be rolled over to the next base period, making it a cumulative requirement. This means that councils must proactively grant permissions for self-build plots to meet not only current demand but also any unmet demand from previous periods.
- 1.5. These legislative changes, which came into force in January 2024, highlight the increased accountability placed on local authorities to ensure that self-build housing demand is met in a timely and effective manner.
- 1.6. By granting Permission in Principle for this proposal, the authority would be taking a proactive approach to meeting its statutory duties and supporting the local community's desire for self-build opportunities.

### **Self-Build and Custom Housebuilding Demand**

- 1.7. By law, each local authority must maintain a register of individuals interested in commissioning the design and construction of their own homes. Additionally, local

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authorities are required to grant enough planning permissions to meet the demand for self-build projects. To ensure transparency and consistency, they report supply and demand figures annually to central government. The raw data from the most recent reporting can be accessed here:

<https://www.gov.uk/government/publications/self-build-and-custom-housebuilding-data>

- 1.8. Below is a summary of the data for Mid Sussex. Figure 1 shows the number of entries on the Mid Sussex Self-Build Register according to the official annual data return.
- 1.9. As set out in the Self-build and Custom Housebuilding Act (as amended by the Housing and Planning act 2016), local authorities have 3 years in which to meet the demand on their registers.
- 1.10. This data demonstrates that by October 2025, the end of the last completed Base Period, the Council must have delivered 519 plots to meet its statutory duty. By 30 October 2027, the Council will need to have delivered a total of 529 plots.
- 1.11. It's important to remember that each entry on the register represents a real person or family who has learned about the government's self-build initiative and signed up because they wish to oversee the construction of their own home. These registers are unique within the planning system, reflecting live preferences within the community.

Base Period	Entries on Part 1 of the Register	Cumulative	Date by which demand must be met
1 (30 Oct 2016)	163	163	30 Oct 2019
2 (30 Oct 2017)	179	342	30 Oct 2020
3 (30 Oct 2018)	58	400	30 Oct 2021
4 (30 Oct 2019)	61	461	30 Oct 2022
5 (30 Oct 2020)	13	474	30 Oct 2023
6 (30 Oct 2021)	32	506	30 Oct 2024
7 (30 Oct 2022)	13	519	30 Oct 2025
8 (30 Oct 2023)	2	521	30 Oct 2026
9 (30 Oct 2024)	8	529	30 Oct 2027
Totals	529		

## Self-Build and Custom Housebuilding Supply

- 1.12. Self build supply happens when a local planning authority grants development permissions for plots that are specifically intended for self-build or custom build housing. Again these figures are reported to central government in an annual data return.
- 1.13. Figure 2 shows that a total of 31 plots have been delivered in Mid Sussex according to the official data return.

Base Period	Permissions granted in base period	Cumulative Permissions Granted
1 (30 Oct 2016)	0	0
2 (30 Oct 2017)	3	3
3 (30 Oct 2018)	3	6
4 (30 Oct 2019)	6	12
5 (30 Oct 2020)	2	14
6 (30 Oct 2021)	6	20
7 (30 Oct 2022)	2	22
8 (30 Oct 2023)	5	27
9 (30 Oct 2024)	4	31

### Assessing whether the council has met its legal duty

- 1.14. In a simple comparison, based upon the self-reported data, we can see that 529 people have joined the register while the council has recorded 31 plots granted. This means the council is only meeting 6% of the local community requirement for self-build development.
- 1.15. However, the calculation to determine whether the council is fulfilling its legal duty is slightly more complex. This involves measuring the total number of people on the register, with the requirement that the demand must be met within three years.
- 1.16. Figure 3 below sets out the Council's performance against its statutory duty based on the Council's data reported to MHCLG:
- Permissions Matched to Base Period. For the first base period this is the first three years of permissions. For subsequent base periods it matches with permissions 3 years ahead.

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- The Deficit / Surplus for the period is the number of permissions granted for that period minus entries on the register for that period.
- 'Unuseable permission' are historic permissions that were not matched to a base period's registration and now fall outside the 3 year window in which to provide permission and therefore fall away.
- The total deficit / surplus is the final position for each base period which determines if a council is meeting its statutory requirements. If this number is negative then the council is not meeting its statutory duties.

1.17. This calculation method aligns with the amendments to the self build act following the LURA amendments, implemented in January 2024.

Base Period	Entries on Part 1 of the Register	Permissions Matched to Base Period	Deficit/surplus for Period	Unusable permissions from previous surplus	total deficit/surplus	Date by which demand must be met
1 (30 Oct 2016)	163	12	-151	-	-151	30 Oct 2019
2 (30 Oct 2017)	179	2	-177	-	-328	30 Oct 2020
3 (30 Oct 2018)	58	6	-52	-	-380	30 Oct 2021
4 (30 Oct 2019)	61	2	-59	-	-439	30 Oct 2022
5 (30 Oct 2020)	13	5	-8	-	-447	30 Oct 2023
6 (30 Oct 2021)	32	4	-28	-	-475	30 Oct 2024
7 (30 Oct 2022)	13	-	-13	-	-488	30 Oct 2025
8 (30 Oct 2023)	2	-	-2	-	-490	30 Oct 2026
9 (30 Oct 2024)	8	-	-8	-	-498	30 Oct 2027

- 1.18. Clearly, the adopted Plan strategy is at present failing to meet both existing unmet needs and looks set to fail to meet future needs for this type of housing. There is a very substantial level of unmet need for this tenure of housing in Mid Sussex, which the draft proposals would help to address.

### **Self-Build Registers - Under-Reporting and Secondary Demand**

- 1.19. The Bacon Review (2021) highlighted that actual demand for self-build plots is likely much higher than indicated by the registers. It noted that only 13% of the population are aware of the Self-Build Registers, and many self-builders do not join them.
- 1.20. Local authority self build registers are capturing only a proportion of the actual demand for self build opportunities. Analysis by NaCSBA, published in their Market report 2023-24 suggests that nationally, official registers “typically capture only 25% of real demand for custom and self build”. This clearly suggests that actual demand could be significantly higher than the official figures.
- 1.21. PPG is clear in stating that local planning authorities should use the demand data from their register, supported as necessary by additional data from secondary sources to understand and consider future needs for this type of housing in their area.
- 1.22. Applying the findings in the NaCSBA survey and market report indicates that the reported demand on the official register is significantly below actual demand. This must be a material factor in assessing self build housing needs.

### **Self-Build Appeal Decisions**

- 1.23. Recent appeal decisions demonstrate that substantial weight should be given to the provision of self-build housing in areas where councils are failing to meet their statutory duties under the Self-Build and Custom Housebuilding Act 2015 (as amended).
- 1.24. For example, in the appeal decision at Banbury Road, Gaydon, Stratford-Upon-Avon (Appeal Ref: APP/J3720/W/23/3336035, dated 14th June 2024), the Inspector allowed a Permission in Principle application for self-build housing. The Inspector stated:

*“this site would assist the Council in its delivery of SBCH sites and help address its existing shortfall. Accordingly, the benefit of the proposed delivery of SBCH is attributed substantial weight in the planning balance.”*

- 1.25. Similarly, in the appeal decision at Malmesbury (Appeal Ref: APP/Y3940/W/23/3317252, decided on 5th March 2024), the Inspector acknowledged the deficit of self-build plots as a key consideration. The Inspector concluded:

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*"Given what would appear to be a considerable level of under-delivery against a high level of demand for self-build development, I find that I should give substantial weight to the self-build nature of the proposal."*

- 1.26. In an inquiry decision at St Albans City Council (Appeal Ref: 3312277, decided on 22nd March 2024) the appeal inspector concluded

*"[...] substantial weight should also be afforded to self-build plots as a discrete element of housing supply."*

## **Conclusions on Self-Build and Custom Housebuilding supply and demand**

- 1.27. The shortage of self-build plots in Mid Sussex highlights a pressing need for action. The Council's inability to meet statutory obligations under the Self-Build and Custom Housebuilding Act has led to a significant shortfall of available plots. This failure not only contravenes legal requirements but also hampers individuals' opportunities to create homes that suit their unique needs, thereby stifling housing diversity and innovation.
- 1.28. Legislation and National policy places substantial emphasis on boosting housing supply and specifically supports self-build and custom housebuilding as a vital part of addressing local housing needs. Paragraphs 60 and 63 of the NPPF stress the importance of ensuring a sufficient variety of homes, including for people wishing to build their own homes. Moreover, the Planning Practice Guidance and amendments to the Self-Build and Custom Housebuilding Act underscore the proactive role local authorities must play in meeting this demand.
- 1.29. Despite the high demand evidenced by the Council's self-build register, the current delivery of self-build plots is woefully insufficient, with only 27 plots delivered against a need for over 521 by the end of the current base period. This shortfall undermines both national policy objectives and community aspirations for self-build opportunities.
- 1.30. The proposal for Permission in Principle for up to 9 self-build plots in Bolney represents a necessary and timely response to this unmet need. It would contribute directly to addressing the deficit of self-build plots, helping the Council fulfil its statutory duties while supporting individuals seeking to design and build homes that meet their specific needs. Additionally, this small-scale development aligns with the goals of the NPPF to promote diversity in housing and support sustainable rural communities.
- 1.31. In conclusion, nothing less than substantial weight should be given to meeting the demand for self-build plots in Mid Sussex (see appendix 2 - Weight attributed to Self-Build Plots). The proposal's contribution to addressing this unmet need is a significant planning consideration.