

Agenda Item 12
Report PC 21/22-13

Report to	Planning Committee
Date	9 September 2021
By	Director of Planning
Title of Report	Proposed local connection test for applicants to the Self-build and Custom Housebuilding Register
Purpose of Report	To explain the case and provide justification for a local connection test to be met by applicants to the Self-build and Custom Housebuilding Register and seek Member approval for a period of public consultation. To seek authority to implement the local connection test.

Recommendation: The Committee is recommended to

- 1) Approve the draft local connection test to the Self and Custom Housebuilding Register for public consultation (Appendix 1).**
- 2) That authority be delegated to the Director of Planning, in consultation with the Planning Committee Chair, to make further minor changes to the local connection test prior to public consultation.**
- 3) That authority be delegated to the Director of Planning, in consultation with the Chair of the Planning Committee to consider the response from the public consultation, and subject to there being no major matters arising implement the local connection test.**

Executive Summary

- The South Downs National Park Authority (SDNPA) has a duty to keep a Self-build and Custom Housebuilding Register (the “Register”) of those seeking to acquire serviced plots of land to build their own home.
- The SDNPA has a duty to permit sufficient plots to meet the demand evidenced by the Register.
- A local connection test is proposed, that has criteria on living in, having family in and/or being employed in the National Park, for those applying to be included on the Register (full details paragraph 5.8).
- The key reason for proposing the local connection test is the Authority’s duty to seek to foster the social and economic well-being of local communities in the National Park.

- Implementing the proposed test would mean that only those with a local connection are included in the calculation of demand as evidenced by the Register.
- The criteria for the proposed test are broadly consistent with those used by housing authorities within the National Park and by other National Park Authorities that have implemented a local connection test for their Register.

1. Summary

- 1.1 The South Downs National Park Authority (SDNPA) maintains a Self-build and Custom Housebuilding Register (the “Register”) for those seeking to acquire plots of land to build their own home across the whole of the National Park.
- 1.2 The SDNPA have a duty under the above Act to permit sufficient numbers of building plots for self and custom housebuilding to meet the demand evidenced by the number of entries on the Register of people seeking to build their own homes.
- 1.3 The SDNPA also has a duty to seek to foster the social and economic well-being of the local communities within the National Park. Therefore, a local connection test is proposed for self-build and custom housebuilding plots. This would mean the demand for self-build and custom housebuilding would be evidenced by those on the Register with a local connection to the National Park and is consistent with the above duty.

2. Introduction/Background

- 2.1 Self-build and custom housebuilding is housing built by individuals or groups for their own use, either by building or managing the construction of the home themselves or where they commission the home, making key design and layout decisions with the home built ready for occupation.¹
- 2.2 The purpose of the Register is to provide a local planning authority with demand data to understand and plan for the future need for this type of housing within their area. Anyone who wishes to build their own home in the National Park can record their interest by applying to be on the Self-build and Custom housebuilding register maintained by the SDNPA.
- 2.3 By being on the Register there is no entitlement for any self-build plots that become available. However, the SDNPA may advise people on the Register of relevant opportunities for self-build and custom housebuilding although there is no statutory requirement to do so.
- 2.4 There is a duty on the SDNPA to maintain an up to date Register of those seeking to acquire serviced plots of land to build their own home. To be on the Register a person must meet the eligibility criteria set out in the legislation. The SDNPA also have a duty to permit sufficient plots for self-build and custom housebuilding to meet the demand evidenced by those on the Register. Specifically the permission of plots must meet the demand in a base period, which runs from 31 October to the following 30 October. Sufficient plots must be permitted within three years of the end of the base period. For example for the base period 31 October 2018 to 30 October 2019, the SDNPA have three years until 30 October 2022 to permit sufficient plots to meet the demand of that base period.
- 2.5 Where a local planning authority adopts a local connection test the Register is split into Part 1 and Part 2. Those meeting the eligibility criteria and a local connection test would be entered into Part 1. Entries in Part 1 count towards the demand evidenced by the Register for which the Authority must grant permission for an equivalent number of serviced plots. Those who meet all the eligibility criteria except for a local connection test must be entered in Part 2 of the Register. Entries in Part 2 do not count towards demand, however, authorities must have regard to the entries when carrying out their planning, housing, land disposal and regeneration functions.

¹ From Self-build and Custom housebuilding PPG, Paragraph 016 Reference ID: 57-016-20210208 Revision date: 08 02 2021

For legal definition see also, section 1, paragraph A1, Self-build and Custom Housebuilding Act 2015 (as amended)

2.6 Both Parts 1 and 2 of the Register must be considered by the SDNPA as the local planning authority when making planning decisions, for example producing a Strategic Housing Land Availability Assessment.

3. Case for a Local Connection Test

3.1 There are currently (as at 16 July 2021) 199 individuals on the Register. The application form for entry on the Register asks whether an individual lives, works or has relatives living, in the National Park.

3.2 Based on the question asked on the application form currently 35% of people on the Register have no local connection to the National Park. Therefore, 65% on the Register, or 130 individuals, have a local connection in that they either live in, work in or have family living in, the National Park.

3.3 Introducing a local connection test would likely reduce the number of entries on the Register that SDNPA must consider when assessing demand for self-build and custom housebuilding plots and consequently lower the number of plots the SDNPA are required to permit. The local connection test will apply to new applicants and those currently on the register.

3.4 The focus for assessing demand for self-build plots is then about those with a local connection to the National Park. There are development pressures throughout the National Park and the availability of suitable land for development is scarce. In this context there are clear priorities set out by the purposes and duty of SDNPA and these are reflected in the development strategy of the South Downs Local Plan. Therefore, assessing demand for self-build plots by prioritising those with a local connection is reasonable in this context.

4. Proposed Local Connection Test

4.1 The PPG says that in designing a local connection test a local planning authority may wish to consider criteria relating to

- Residency
- Family - whether there is a family member residing in the area and/or
- Employment - whether there is an employment connection².

4.2 The three criteria of residence, family residence and employment form the proposed local connection test. As a means of comparison these criteria are also consistent with those widely used in the National Park for determining applicants eligible for a local housing register.

4.3 Local authorities use time periods to qualify all three of the criteria. For example, that a person has lived in the local area continuously for the last three years. The time periods for local connection vary for each local authority within the National Park.

4.4 The time periods in the proposed local connection test reflect those most commonly used by local authorities within the National Park.

4.5 Local connection criteria are also used by other National Park Authorities (NPAs) for their Self-build and Custom Housebuilding Registers. Lake District, Exmoor, North York Moors and Northumberland NPAs all used local connection criteria although there were again variations in the time periods that were set, for example for residence in the area.

4.6 The proposed test is broadly consistent with the criteria used by local authorities in the National Park and by other NPAs that have set a local connection test.

4.7 The criteria referring to members, or ex-members, of the armed forces is required by the PPG³. A serving member of the armed forces is deemed to have met the requirements of a

² Planning Practice Guidance <https://www.gov.uk/guidance/self-build-and-custom-housebuilding> Paragraph: 020 Reference ID: 57-020-20210508 Revision date: 08 02 2021

³ Planning Practice Guidance <https://www.gov.uk/guidance/self-build-and-custom-housebuilding> Paragraph: 021 Reference ID: 57-021-20210208 Revision date: 08 02 2021

local connection test and must be entered into Part I of the Register. Ex-members of the armed forces whose service ended within the period specified will also be entered into Part I of the Register.

4.8 The proposed local connection test is the following criteria:

- a) have lived (as only home or principal residence) in the National Park (or in a split Parish, part of which is inside the National Park) continuously for at least the last two years; or
- b) have lived (as only home or principal residence) in the National Park (or in a split Parish, part of which is inside the National Park) continuously for three out of the last five years; or
- c) have immediate family* who have lived continuously in the National Park (or lived in a split Parish, part of which is inside the National Park) for at least the previous five years; or
- d) have been employed in the National Park for a minimum of 16 hours per week continuously for the last two years; or
- e) you are a member of the armed forces, or an ex-member of the armed forces whose service ended within the last 5 years.

* Immediate family is defined as grandparents, parents, adult siblings and adult children.

5. Proposed Consultation

5.1 It is recommended that public consultation is carried out to receive feedback about the proposal to introduce a local connection test when applying to the Register. The public consultation will be open to all and would include contacting the local housing authorities within the National Park and all those on the Register.

5.2 An eight week period of public consultation is proposed. The consultation period is consistent with the time allowed for statutory consultation on Development Plan Documents as set out in the Statement of Community Involvement. It is anticipated the consultation takes place in October and November 2021.

5.3 The results of the consultation will be collated and summarised using the same method as for a Supplementary Planning Document with a Consultation Summary document being produced. The information to be published for consultation is in Appendix I. If there are no major issues arising from the consultation, the Director of Planning will implement the local connection test.

6. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No, subject to there being no major issues arising from the consultation
Does the proposal raise any Resource implications?	It is anticipated that the cost of maintaining the self-build register and processing applications to the register will remain the same if the local connection test is implemented.
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	The local connection test will apply equally to all persons. Anyone can still apply to be on the self-build register and/or build their own home in the National Park, subject to receiving planning permission. We will, however, update the application form and monitor the diversity of the register for people already on it and for future applicants.
Are there any Human Rights implications arising from the proposal?	None.

Are there any Crime & Disorder implications arising from the proposal?	None.
Are there any Health & Safety implications arising from the proposal?	None.
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy: 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly	1. Living within environmental limits To assist good decision making in the protected landscape of the National Park in accordance with the purposes and duty to ensure land is used in the most efficient way.

*[If 'Yes' please explain – if a lengthy explanation is required this may need to become a separate paragraph]

7. Risks Associated with the Proposed Decision

7.1

Risk	Likelihood	Impact	Mitigation
The SDNPA fail the duty to provide sufficient plots to meet the demand evidenced by the Register.	3	3	If local connection test implemented more likely to be able to permit sufficient number of suitable plots to meet demand.

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Appendices 1. Local Connection Test criteria

SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning

External Consultees None

Background Documents **Planning Practice Guidance – Self-build and Custom housebuilding**
<https://www.gov.uk/guidance/self-build-and-custom-housebuilding>



Consultation on a Proposed Local Connection Test for Self-build and Custom housebuilding

The South Downs National Park Authority (SDNPA) is proposing a local connection test (see below) for those wanting to record their interest in building their own home by applying to be included on the Self-build and Custom housebuilding Register (the “Register”).

Consultation on the proposed local connection test is being carried out for eight weeks between (*date to be inserted*) and (*date to be inserted*). All responses to the consultation must be received before midnight on (*date to be inserted*)

Please let SDNPA know your comments on the proposed local connection test as set out below. Further details about the Register and the local connection test are also set out below.

Responses to the consultation must be made in writing and can be sent to the SDNPA in the following ways:

By email to planningpolicy@southdowns.gov.uk

By letter to Planning Policy, SDNPA, South Downs Centre, North Street, Midhurst, West Sussex, GU29 9DH

Proposed Local Connection Test

Any person that meets at least one of the following criteria when applying to be entered on the Self-build and Custom housebuilding register, is considered to have met the Local Connection Test and will be entered into Part I of the Register:

- a. have lived (as only home or principal residence) in the National Park (or in a split Parish, part of which is inside the National Park) continuously for at least the last two years; or
- b. have lived (as only home or principal residence) in the National Park (or in a split Parish, part of which is inside the National Park) continuously for three out of the last five years; or
- c. have immediate family* who have lived continuously in the National Park (or lived in a split Parish, part of which is inside the National Park) for at least the previous five years;;
or
- d. have been employed in the National Park for a minimum of 16 hours per week continuously for the last two years; or
- e. you are a member of the armed forces, or an ex-member of the armed forces whose service ended within the last 5 years.

*Immediate family is defined as grandparents, parents, adult siblings and adult children.

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Further details

The Self-build and Custom Housebuilding Register is required by law to be kept by the SDNPA. The Register provides evidence of demand for self-build and custom housebuilding within the National Park. Anyone seeking land to build their own home can apply to be on the Register providing they are at least 18 years of age and they are a British citizen, or a national of a European Economic Area State or a national of Switzerland. The criteria can also include a local connection test.

The effect of the local connection test is to separate the Register into Part 1 and Part 2.

Those applicants entered on Part 1 of the Register will meet the eligibility criteria and the local connection test. SDNPA has a duty to permit sufficient plots to meet the demand evidenced by the entries on Part 1 of the Register.

Those on Part 2 will meet the eligibility criteria only.

The entries on Part 1 and 2 of the Register will be taken into account by SDNPA when making planning decisions in the National Park.

Those on Part 2 of the Register can still build their own home in the National Park.

Being on Part 1 of the Register provides no entitlement to receive any plot permitted by the SDNPA.

