



Committee	Cabinet
Date	07/05/2024
Subject	Custom and Self-build Housing Supplementary Planning Document
Cabinet Member	Councillor Kay Yule – Cabinet Member with responsibility for Planning and Coastal Management
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Key Decision?	Yes
Is the report Open or Exempt?	OPEN

Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
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Purpose/Summary

The purpose of this report is to recommend the adoption of the Custom and Self-build Housing Supplementary Planning Document (the SPD). The SPD supports the implementation of policies relating to custom and self-build housing in the East Suffolk Council – Suffolk Coastal Local Plan and East Suffolk Council – Waveney Local Plan. The SPD provides guidance on a range of topics including the legal underpinnings of custom and self-build housing, affordable custom and self-build housing, serviced plots, Community Infrastructure Levy (CIL), phasing, design codes, plot passports, marketing strategy, and planning obligations in the form of section 106 agreements.

Recommendation(s)

That Cabinet:

1. Adopts the Custom and Self-build Housing Supplementary Planning Document.
2. Authorises the Head of Planning and Coastal Management, in consultation with the Cabinet Member for Planning and Coastal Management, to make any presentational or typographical amendments to the Custom and Self-build Housing Supplementary Planning Document prior to it being published.

Strategic plan

How does this proposal support Our Direction 2028?

Environmental Impact

Custom and self-build housing data received through the Council's custom and self-build housing register shows that the main reasons that those on the register want to build their own home is to achieve higher standards of environmental performance than available in the housing market. By supporting the delivery of high quality custom and self-build housing, the SPD acts to support the 'continued commitment to net zero by 2030' and 'Support, promote and implement green tech' priorities.

Sustainable Housing

The SPD supports the delivery of a number of priorities identified under this theme, but most directly relates to the 'encourage more self-build housing in East Suffolk' priority through the provision of detailed planning guidance designed to support the delivery of custom and self-build housing.

Custom and self-build housing data received through the Council's custom and self-build housing register shows that the main reasons that those on the register want to build their own home is to achieve higher standards of environmental performance and build quality than available in the housing market. Custom and self-build housing will therefore generally be built to high standards, which supports the 'promote housing developments which enhance wellbeing and protect the environment', 'tackle fuel poverty and support new heating technologies' and 'promote community pride in homes and neighbourhoods' priorities.

The SPD also supports the 'deliver the right housing based on our communities' needs' priority as accords with the Suffolk Coastal Local Plan and Waveney Local Plan, which sets the

	planning policies for the location of development, and responds to high levels of demand in East Suffolk.
Tackling Inequalities	While not directly related to the priorities identified under this theme, an Equalities Impact Assessment has been prepared as part of the preparation of the SPD, which concludes that the SPD will not negatively impact upon any protected group or those experiencing socio-economic deprivation.
Thriving Economy	<p>The SPD supports the ‘encourage creativity and enterprise, and support start ups’ priority as delivery of custom and self-build housing, which as a relatively new and small segment of the housebuilding industry, has been shown to support local economies through greater spend per pound in local economies compared to larger developers. Custom and self-build housing is also more likely to support SME builders.</p> <p>The SPD provides detailed planning guidance designed to support the implementation of the Suffolk Coastal Local Plan planning policies, and as such supports the ‘ensure Local Plans work for local people’ priority.</p> <p>The SPD supports the ‘increase the economic viability of our towns’ priority by supporting the delivery of high quality custom and self-build housing that must be lived in as sole or main residences, thereby increasing the population likely to visit and spend money in our town centres.</p>
Our Foundations / governance of the organisation	Not applicable

Justification for recommendations

1. Background

- 1.1. The Council has two adopted Local Plans: the East Suffolk Council – Waveney Local Plan (March 2019) and the East Suffolk Council – Suffolk Coastal Local Plan (September 2020). These Local Plans both contain planning policies relating to custom and self-build housing.
- 1.2. There is no current Supplementary Planning Document (SPD) relating to the type of guidance provided in the new Custom and Self-build Housing SPD for either the former Suffolk Coastal area or former Waveney area.
- 1.3. The document has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the Planning and Compulsory Purchase Act 2004.
- 1.4. The preparation of the SPD has been undertaken through an officer steering group, which included officers from Planning Policy and Delivery, Major Sites, Design and Heritage, Housing, and Community Infrastructure Levy and Section 106 teams. The preparation of the SPD has been overseen by the Council's Local Plan Working Group.
- 1.5. The Town and Country Planning (Local Plans) (England) Regulations 2012 (as amended) require the Council to undertake consultation to inform the production of the SPD and also, as a minimum, requires that the draft document is published for four weeks and that during that time it is available on the Council's website and that hard copies are available for inspection in the Council's offices.
- 1.6. The Council's approach to engagement in the preparation of SPDs is set out in the Statement of Community Involvement. The Council engages in two rounds of consultation with external stakeholders, and the public. The consultations were advertised on the Council's website, through social media posts and a press release. Consultation documents were available on the Council's website and in libraries and at the Council's Customer Service Centres.
- 1.7. The first consultation was an initial consultation to inform the scope and content of the SPD. The initial consultation was carried out between 1st February to 16th March 2023. The second consultation sought views on the Draft Custom and Self-build Housing SPD and ran from 6th September until 18th October 2023.
- 1.8. Under the Environmental Assessment of Plans and Programmes Regulations 2004 screening was carried out on the Draft SPD to determine whether a full Strategic Environmental Assessment would be required. The screening concluded that this was not required. The Strategic Environmental Assessment Screening Opinion is appended to this report (Appendix D).
- 1.9. Habitat Regulations Assessment screening was also undertaken which concluded that implementation of the SPD would not lead to likely significant effects on protected

Habitat Sites and that it is therefore not considered necessary to undertake an Appropriate Assessment. The Habitat Regulations Assessment Screening Statement is appended to this report (Appendix E).

2. Introduction

- 2.1. Planning policies on custom and self-build housing issues are set out in the adopted Local Plans. The two adopted local plans are the East Suffolk Council – Suffolk Coastal Local Plan (September 2020) and the East Suffolk Council – Waveney Local Plan (March 2019). The Custom and self-build housing planning policies in these Local Plans are:
 - Waveney Local Plan Policy WLP8.3 (Self Build and Custom Build)
 - Suffolk Coastal Local Plan Policy SCLP5.9 (Self Build and Custom Build Housing)
- 2.2. These policies support the delivery of custom and self-build housing by requiring developments of 100 or more homes to provide 5% of the homes as custom and self-build housing in the form of serviced plots, and requiring a design code to be submitted with applications for 5 or more custom and self-build homes.
- 2.3. An SPD cannot conflict with development plan planning policies nor can it prescribe that particular areas of land be developed for particular uses; this is the role of the Local Plans and Neighbourhood Plans. SPDs provide valuable guidance to support the implementation of the Local Plans. As an SPD, the guidance is a material consideration in determining applications for planning permission and listed building consent. This SPD does not cover parts of East Suffolk that are within the Broads, for which the Broads Authority is the local planning authority.
- 2.4. The guidance in the SPD addresses matters that regularly arise in development management and will assist officers, applicants, Members and consultees. The guidance should improve the quality of applications submitted and schemes proposed.
- 2.5. The SPD covers the following topics which each have a section in the SPD:
 - What is custom and self-build housing?
 - Custom and self-build housing data
 - Affordable custom and self-build housing
 - Serviced plots
 - Community Infrastructure Levy
 - Phasing
 - Design codes
 - Plot passports
 - Marketing strategy
 - Neighbourhood Planning/Community led-housing
- 2.6. The SPD was subject to two rounds of consultation during its preparation. Details of the consultations carried out are contained in the Consultation Statement (Appendix B). The first was an initial consultation to inform the scope and content of the SPD. The initial consultation was carried out between 1st February to 16th March 2023. In total 40 individuals and organisations responded to the consultation. Between them they made 144 responses. The responses received to the initial stage of consultation were used to inform preparation of a draft document which was subsequently subject to a public

consultation.

- 2.7. The Draft Custom and Self-build Housing SPD consultation ran between 6th September and 18th October 2023. The consultation was advertised on the Council's website, as well as on social media. Emails and letters were sent out at the start of the consultation to the consultees on the planning policy mailing list which includes Town and Parish Councils, individuals, and organisations including those who were previously contacted or responded to the initial consultation. In total, 21 individuals and organisations responded to the consultation. Between them they made 71 comments.
- 2.8. The main themes of the comments received are summarised below; however, many of the comments covered very specific matters and it is not possible to summarise all of them here in a succinct manner. The full consultation responses have been published on the Council's consultation website (for the initial consultation responses see - <https://eastsuffolk.inconsult.uk/CSBSPDINT/consultationHome>. For the formal consultation responses see - <https://eastsuffolk.inconsult.uk/CSB0823DRAFT/consultationHome>) and summarised in the appended Consultation Statement along with details of how each comment has been responded to (Appendix B).
- 2.9. The main issues raised through the consultation are listed below.
- Some confusion over the origin of the self-build exemption from Community Infrastructure Levy (CIL).
 - Responses highlighted a spectrum of views on the design freedom afforded to initial occupants. Some suggest design freedom should be limited, others suggest it should be maximised.
 - Responses highlighted that the Draft SPD provides a useful clarification of desired approach to affordable housing.
 - Developers sought for the marketing arrangements to be applied flexibly (e.g. commencement of minimum 12-month marketing period, number of plots within a cluster).
 - Support for the model conditions and section 106 obligations, however the consistency of expectations between conditions and section 106 obligations should be reviewed.
- 2.10. Changes to the SPD have been made to address many of the comments received from respondents during the consultation, including:
- Clarification of the importance of providing sufficient design freedom for initial occupants, and in particular that initial occupants have a primary input into the design of custom and self-build housing.
 - Clarification of the appropriate format of planning applications and supporting documents and processes.
 - Clarification as to the expected approach to the delivery of affordable housing on custom and self-build housing developments.
 - Clarification as to the expected approach to Marketing Strategies.
 - Clarification about the scope and content of planning conditions and section 106 agreements.

- 2.11. In addition, further changes have been made to address typographical and grammatical errors and to provide clarity on certain elements of guidance.

3. Proposal

- 3.1. The Custom and Self-build Housing SPD contains comprehensive planning guidance on a range of issues within a single document. It has been prepared to support the implementation of policies contained in the adopted Local Plans, as well as being consistent with Government policy, principally that contained within the National Planning Policy Framework.
- 3.2. On adoption the Custom and Self-build Housing SPD will be a material consideration in the determination of planning applications.

4. Financial Implications

- 4.1. The production and adoption of the SPD is covered by the existing budget of the Planning Policy and Delivery Team. As an SPD, it cannot and does not introduce any additional financial requirements upon developers beyond the Local Plan policy requirements.

5. Legal Implications

- 5.1. The SPD has been produced in accordance with the Town and Country Planning (Local Plans) (England) Regulations 2012 (as amended).
- 5.2. An Equality Impact Assessment Screening Opinion was produced to meet the requirements of the Equality Act 2010 (Appendix C). The SPD has been subject to a Strategic Environmental Assessment Screening Opinion in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (Appendix D). It has also been subject to a Habitats Regulation Assessment Screening Statement, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) (Appendix E).

6. Risk Implications

- 6.1. There are no risks envisaged in relation to the implementation of the recommendations.

7. Options

- 7.1. Adopt the Custom and Self-build Housing SPD meaning the Council has an up-to-date SPD to guide the implementation of the custom and self-build housing planning policies set out in the East Suffolk Council – Waveney Local Plan and the East Suffolk Council – Suffolk Coastal Local Plan.
- 7.2. An alternative option would be to not adopt the SPD and continue to implement the planning policies without the additional guidance. However, this would be a missed opportunity to provide further clarification on the requirements of the policies, and address some of the frequently raised matters that come about through the development management process, and so ultimately support effective implementation of the relevant Local Plan policies.

8. Recommendations

That Cabinet:

1. Adopts the Custom and Self-build Housing Supplementary Planning Document.
2. Authorises the Head of Planning and Coastal Management, in consultation with the Cabinet Member for Planning and Coastal Management, to make any presentational or typographical amendments to the Custom and Self-build Housing Supplementary Planning Document prior to it being published.

9. Reasons for Recommendations

- 9.1. Adoption of the Custom and Self-build Housing SPD will provide up to date guidance to assist with the implementation of the Council's Local Plan policies which relate to custom and self-build housing.

10. Conclusions/Next Steps

- 10.1. If Cabinet accepts the recommendations, the Custom and Self-build Housing Supplementary Planning Document will be published in accordance with Regulations and the Statement of Community Involvement and become a material consideration when determining planning applications.

Areas of consideration comments

Section 151 Officer comments:

There are no financial implications for the Council related to the report recommendations.

Monitoring Officer comments:

The Monitoring Officer has been consulted and has no comments.

Equality, Diversity and Inclusion/EQIA:

An Equality Impact Assessment was undertaken as part of the preparation of the SPD (Appendix C). The EQIA (Appendix C) screening exercise shows that the SPD will not negatively impact upon any protected group or those experiencing socio-economic deprivation. Therefore, a full EQIA assessment is not considered necessary.

For the purpose of preparing this report, a DASH Equality Impact Assessment has been undertaken, the outcome of which is that the decision will not have equalities impacts. The assessment reference is EQIA602832851.

Safeguarding:

Not applicable

Crime and Disorder:

Not applicable

Corporate Services implications:

Legal Services' officers have been consulted during the preparation of the report, but there are no identified impacts on the service arising from agreement to the recommendations in this report.

Residents and Businesses consultation/consideration:

The SPD was subject to two rounds of public consultation during its preparation. The first consultation was carried out between 1st February to 16th March 2023 and the second ran from 6th September and 18th October 2023.

In total 40 individuals and organisations responded to the first consultation and 21 to the second consultation, between them making 144 and 71 comments respectively.

Further details of the consultations carried out are contained in the Consultation Statement (Appendix B).

Appendices:

Appendix A	Custom and Self-build Housing Supplementary Planning Document
Appendix B	Consultation Statement
Appendix C	Equality Impact Assessment Screening Opinion (August 2023) (produced to accompany consultation on Draft SPD)
Appendix D	Strategic Environmental Assessment Screening Opinion (August 2023) (produced to accompany consultation on Draft SPD)
Appendix E	Habitats Regulations Assessment Screening Statement (August 2023) (produced to accompany consultation on Draft SPD)

Background reference papers:

Date	Type	Available From
2019	East Suffolk Council – Waveney Local Plan	https://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/Adopted-Waveney-Local-Plan-including-Erratum.pdf
2020	East Suffolk Council – Suffolk Coastal Local Plan	https://www.eastsuffolk.gov.uk/assets/Planning/Planning-Policy-and-Local-Plans/Suffolk-Coastal-Local-Plan/Adopted-Suffolk-Coastal-Local-Plan/East-Suffolk-Council-Suffolk-Coastal-Local-Plan.pdf
2023	National Planning Policy Framework	https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf
2021	Statement of Community Involvement	https://www.eastsuffolk.gov.uk/assets/Planning/Planning-Policy-and-Local-Plans/Statement-of-Community-Involvement/Statement-of-Community-Involvement.pdf
2024	DASH Equalities Impact Assessment EQIA602832851	Available on request from Anthony.taylor@eastsuffolk.gov.uk