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 Sent: Mon, 23 May 2022 7:16  
 Subject: Self and Custom Build (S&CB) in CDC

DEVELOPMENT  
MANAGEMENT

21 MAR 2023

Dear Stephen,

Following our recent conversation, I thank you for sending me the copied and pasted report of CDC's Housing and Economic Development Needs Assessment (HEDNA) undertaken independently by Icen Projects and Justin Gardner Consulting on behalf of your Council. I have spoken direct to the senior staff/authors of this report. Please note that in this letter I have referred in large part, but not exclusively, to paragraphs in your letter to me, albeit the statements are words direct from the HEDNA report.

What is interesting is that they have spoken to NACSBA, the S&CB organisation I introduced to you, who incidentally are the only organisation Government talk to on S&CB issues and seek advice from and consult with.

Also this HEDNA report has in large part confirmed to CDC some of the points I have already brought to your attention. I hope you now appreciate that I have told you the truth and how things are in reality at CDC and some other LPA's.

### This HEDNA report has confirmed to CDC that:-

- CDC are required to grant sufficient planning permissions to meet the demand identified on your S&CB Register (namely sufficient for 152 new Self and Custom built homes) see HEDNA report paragraphs 65-68 pages 8-9.
- The figure quoted to me just recently and previously was that 3 people were on your Register. This is wrong, there are circa 152 people on your Register at present (see your para 1.11). This obviously is a massive and actual difference and proves my point (which Government are very aware of) that the 'actual demand' at CDC is quite high and this demand level is required to be satisfied by CDC in granting a lot of planning consents to meet 'demand' numbers for S&CB. CDC however are not granting the volume of consents which they are required to give. In consequence PINS (the Planning Inspectorate) are granting consents on Appeal in other LPA's on S&CB schemes – because the LPA's have not adhered to their duties (refer to your para 1.14)
- There are 152 people on your S&CB Register. 149 of whom are in Part 1 and 3 in Part 2 (refer to your paras 1.4 and 1.5). So 152 people (namely the demand) will be required to be satisfied by the granting of S&CB consents, within CDC, and not just 3, as previously intimated.
- I believe the 'demand' numbers of 152 people wanting to undertake S&CB in CDC is substantially lower than the actual or real figure for 3 reasons.

(1) Many people who have already self built in CDC did not register with CDC; because CDC at present, like most LPA's, do not actually offer advertise, encourage or suggest any potential plots to people on their registers. So what is the point in registering in the first place? It is best at present to seek a plot/s out oneself via developers, land agents etc.

(2) Because of the lack of CDC and many other LPA's not advertising or publicising the Register, most people are unaware that the Register even exists. This is confirmed in the report (see your para 1.6). The HEDNA report confirms that 83% of people are unaware that such Registers exist.

(3) Your Council's restrictive policies for registering automatically discourages people from registering and for many LPA's this is done on purpose, as to purposely keep the registered

numbers artificially very low. Yet both Government and Pins are now very aware of these artificially low figures and the LPA's who are playing this game (thus the recent successful appeal decisions on S & CB). I am saddened by this negative attitude as these LPA's are doing their residents a great dis-service by not offering residents the 'common right' to want to aspire, to build themselves a home for their family. This is part, I suggest, of Government 'levelling-up' and is a perfectly reasonable 'right' of all people, whatever their background or status, to be given this opportunity.

- Recent data in the HEDNA Report suggests that 32% (1 in 3 people) are interested in building their own home in the future and almost half (48%) were aged between 18 and 24 and 18% aged 55 and over (see your para 1.8). Again the data suggests that CDC is highlighted as an area of mid level demand, placing CDC in the top half of authorities in England who should be promoting S&CB (refer to your para 1.10).

- It is clear that there is a substantial demand for S&CB housing in Chichester District (refer to your para 1.11) which is not being supplied by CDC.

- The S&CB PPG sets out how LPA's can honour their duties by increasing the number of planning consents for S&CB, by reviewing local planning policies to ensure enough serviced plots are actually consented, by:-

- encouraging Parish Councils to include S&CB in their new or revised Neighbourhood Plans and in their site allocations for new housing.
- Engaging with developers and landowners and people like me who own land and potential sites and by encouraging them to apply specifically for S&CB schemes.
- Similarly working with local partners to custom build for affordable housing.
- Refer to your para 1.13

This suggests that LPA's, local and parish councillors should:-

- insert in their revised Local Plans strong and extensive wording in support of S&CB and encourage their Parish Councils to act similarly as to ensure that inspectors find both sets of Plans (Local and Neighbourhood) are indeed 'sound' and acceptable.

- Act a lot more pro-actively in support of S&CB and work with Parish Councillors, developers and others experts (such as myself) to ensure that S&CB becomes a mainstream housing force as suggested by Government. This duty is also incumbent not only on the relevant officers but also on the politicians of a Council and also on all councillors of Parish Councils in their districts.

- This requires councillors (both local ward and neighbourhood Parish Councillors) to be actively supporting, encouraging and promoting S&CB in 'demand locations' but also to be educating each other and also officers in all the visual, architectural, cost, financial and other proven benefits. Also to their constituents by also holding local meetings and writing about S&CB in the media, via Facebook and Twitter etc. Surely all this advice in the PPG has to be a political 'no brainer' for all the politicians of whatever Party if they are intent on helping their constituents and residents to aspire for a better, more fruitful, more positive lifestyle and sense of well-being.

- Appeal decisions on S&CB have been lost by LPA's recently because they have not applied these proposals and PPG advise (See your para 1.15).

- Specific policies in Local and Neighbourhood Plans should express support for S&CB and require a minimum number of plots (say 5%-10%) in developer schemes to be ear-marked for S&CB as per the 'Teignbridge Rule' and other District Councils, such as 'South Glos' for example (see your para 1:15)

- Iconic (the authors of the HEDNA report) consider that in order to satisfy true 'demand' and in line with PPG requirements, CDC should support fully S&CB through specific planning policies and the allocation of specific sites and the delivery

of such sites to the level of 152 plots (see your paras 1:16, 1:1, 1:3 and 1:4). Only 1 plot has recently been consented to my knowledge at 3 Oaks Farm, Ifold, Loxwood. But that was only after two unnecessary planning applications and an unnecessary appeal being lodged.

This should also be reflected by individual Parish Councils especially in the northern sector of our District Council where CDC have already stipulated there is more land availability and opportunity, to identify, I suggest, 152 plots for S&CB.

**Following your request, during our conversation I now answer your further questions.**

(1) I have now spoken to your Council who have advised me to suggest to you that your department are already a consultee on major developer applications. As to smaller and one off S&CB applications in particular you should also ask (not unreasonably) to also be a consultee. As you may know in the planning portal S&CB is now a stipulated stand alone housing type, in order for officers like yourself are made aware at the outset that the application in question is a Self or Custom Build. So again you and others can easily count and identify the number of S&CB's each year, in your District, to satisfy your Council duty that 'demand' numbers are consented and adhered to. **Please inform me if this simple request has been accepted by your planning department.**

(2) I have also spoken to the author of the HEDNA report to your Council who has suggested he is willing to write a brief 'add on' report (at small expense) expanding on what has already been said specific to S&CB.

**Perhaps your head of department will please consider commissioning this upgrade report so your Council are in receipt of the full advise, rather than part of the advice? This further advice could be rather important in future to CDC.**

(3) Your Council, I am advised, is pressing ahead with all haste to submit the necessary documentation on the revised Local Plan for submission. Cllr Sutton has agreed, as Chair of a new Housing and Community Panel to present the issue for discussion of S &CB into the revised Local Plan by considering several paragraphs for the Plan for inclusion. Furthermore both Cllr Sutton and Cllr Moss have agreed to work together (as Conservatives and Lib Dems) to support S&CB in the District. This shows the ethics of co-operation that first created the Self and Custom Build Housing Act 2015 as amended 2016, when all the parliamentary parties in the House of Commons, very speedily worked in unison to support S&CB, by pushing through this Act, albeit it was nurtured as a Private Members Bill, in the first instance.

I am further advised that your Forward Planning Department will be presenting to councillors a draft revised Local Plan for their consideration. This should be taking place around the time of September '22, yet I am fearful, as you are on a temporary contract with CDC expiring (I believe) in July '22, that your contract may not be extended. This would not give you the opportunity of presenting your findings and report on S&CB, to the Council nor to the Forward Planning Department prior to your vacating your post. Similarly councillors may not have the opportunity of questioning you on issues surrounding S&CB, and on your findings.

**(4) Is it therefore possible for you to be submitting to your bosses in Housing Delivery, including Cllr Sutton (the Portfolio Holder Housing) and also to Forward Planning a formal holding report on S&CB prior to you leaving in July '22 ?**

**(5) Is it possible that your contract may be extend beyond July '22 and if so for how long? Such an extension could (I suggest) be beneficial to CDC and to residents alike, especially so if councillors decided that your post becomes more formal and follow that of other Councils by creating the post of Self & Custom Build Officer for CDC.**

Certainly such a post creation would be a positive move in the eyes of Government and Pins alike.

(6) Please respond to me on these questions and the actual dates when councillors will have the opportunity of including S&CB into CDC's revised Local Plan. Such an inclusion is obviously vital to CDC especially as to any appeal decisions on S&CB in your District.

(7) You also asked me to submit to you suggested clauses on S&CB that could be considered as an inclusion into CDC's Local Plan Review. Denoted below are the clauses for you to consider:-

#### **SUGGESTED CLAUSES TO BE INSERTED IN THE LOCAL PLAN REVIEW IN SUPPORT OF S&CB**

(1) It is the Council's intention to be fully supportive of the recent HEDNA report of April 2022 and of S&CB throughout the District and to our Parish Councils both with the granting of more consents on single windfall sites and any development exceeding 10 units, where 1 in 10 of these units will be specifically consented and allocated to individuals or groups wanting to undertake self or custom build. The number of people on our S&CB Register has created a mid level 'demand' placing our Council in the top half of authorities in England.

- (a) The Council will therefore seek to encourage all developments of self and custom build dwellings on a single site location to be developed in accordance with new Council policies and an agreed Design and Sustainability Statement.
- (b) Planning permissions will include a condition requiring the self or custom build development to be completed within 4 years of the custom builder purchasing a plot or group of plots. The 4 years to run from the date that all services are available and operational to each plot or plots on any site that has an inclusion of S&CB housing.
- (c) All such S&CB plots will be required to be made available for purchase immediately planning consent is granted on the site. All these plots should be fully and formally offered to the open market with the completion on each plot sale only when all services are available and operational to each individual house plot.
- (d) If any S&CB plot is not sold on a site at the end of each development site being completed and occupied, that plot or plots must then be offered to a housing association or to the Council to purchase, at the same or reduced price, before being released and built out by the developer into the private open market.

(2) The Council will appoint (as per other LPA's) a dedicated full time Custom and Self Build Officer to transparently help, support, promote and advise all potential S&CB purchasers and potential landowners. This officer will fully understand the concept of (MMC) modern methods of construction pertinent to S&CB and have a knowledge of land purchase and planning law. The officer will have a yearly promotional budget to support yearly seminars and educational talks (supported by outside experts) throughout the District and Parishes and be required to satisfy demand and a minimum target of available plots to achieve, year on year, over the Plan period. Similarly the officer will be advertising in the local media, Facebook, Twitter etc. and via the Council website and newsletter all the S &CB plots for sale in the District on an on-going, updating basis.

(3) The Council recognises that:-

- (a) S &CB has certain 'exemptions' (including the non payment of CIL) and will support those 'exemptions' and any further 'exemptions' that are created by changes in planning law and within NPPF, during the Plan period.
- (b) The CIL exemption will be fully preserved, where (for example) a shell S&CB property is handed over to a client, with all connections to services installed and the front and rear gardens landscaped and driveway/footpath installed, for the home owner to complete internal fit out to their specification in conformity with building and all other regulations and Council pre-set standards.
- (c) A similar Teignbridge Rule will apply requiring all developments exceeding 10 units will allocate 1 unit in 10 to be sold off as a plot or as a water-tight shell property to the S&CB

market at the going market rate for affordable housing at the time, conditional on our Design and Sustainability Statement being applied for such S&CB housing.

(4) The Council intends to remove all barriers to applying to the Self and Custom Build Register for all potential S&C Builders or their potential clients, including requirements to submit appraisals and proof of funds etc. Furthermore, we will be publicising our Register more fully, including highlighting the benefits of S&CB so everybody can understand them and be supportive of them.

(5) The Council also recognises the in-direct financial benefits to create more character housing in rural communities in our District created by S&CB, so we will also be encouraging and committing to smaller developments of up to 20 units in any price range for purely 100% S&CB housing which could suit individuals, groups or co-operatives of family house builders seeking more diverse house designs with yet higher levels of design, insulation, sustainability, bio diversity, air tightness and so on.

(5a) By buying 'locally' and using local contractors and sub-contractors and consultants, money will automatically flow into local communities, the local shops, local pubs etc. and indirectly into the pockets of local residents; thereby also enriching the character, variety and vitality of local rural communities within our District, at the same time.

6. The Council will be endorsing The Bacon Review's six recommendations and any future Government enactments in the wish to create more interest within the District for S &CB as to offer more residents and others the opportunity to aspire to create the homes that they want in the places that they want to live and at a price they can afford. At the same time creating higher eco standards of house building and higher standards of design and diversity in the market place (as another and higher alternative) to that presently on offer from mainstream developer housing.

You also asked me to submit to you suggested clauses on S &CB for CDC to consider as a Planning, Design and Sustainability Statement written specifically for all S&CB projects. This will be sent to you shortly.

If you have any further questions please feel happy to revert to me. I look forward to receiving answers please to my specific questions as directed to you, within this letter, ideally within 3 weeks.

Kind regards

Yours sincerely,

**William MacGeagh**

[Redacted signature]