

# Regulation 19 Representation FAO Mr. Tony Whitty (Head of Planning Policy)

**From:** William MacGeagh [REDACTED]  
**To:** twitty@chichester.gov.uk  
**Cc:** planningpolicy@chichester.gov.uk; kdavis@chichester.gov.uk  
**Date:** Thursday, 16 March 2023, 16:32 GMT



Dear Sir,

I write to you by email and again by first class post with my **Regulation 19 Representation.**

(1) I attach my representation on Reg 19 submission on your Council's revised Local Plan (7 pages).

(2) I will also send you the attached Exhibits namely 8 with 25 pages in total by 1<sup>st</sup> class post for your attention.

(3) I can't seem to find in CDC's planning portal any Reg 19 Examination Form that I can complete to confirm that I wish to attend in person the public oral examination hearing and make representation to the Inspector. **Therefore please kindly accept this written request that I wish to do so, in lieu of such a form.**

(4) Please kindly confirm receipt of this email and its contents, also my exhibits sent by 1<sup>st</sup> class post and at the same time bring all such matters to the attention of the Inspector when he or she has been confirmed.

**(5) Please ensure that all these documents get sent to the Inspector direct.**

Thank you.

Kind regards, [REDACTED]

William MacGeagh  
[REDACTED]

21 MAR 2023

**REG 19 RESPONSE TO CDC DRAFT LOCAL PLAN – 7 PAGES**

**INTRODUCTION**

I am a trained Quantity Surveyor and ex director of a major UK PLC house-building company. I am now semi-retired. I am an expert in Self and Custom Build (**S&CB**) housing. I was one of the first in the UK to become a self-builder at the age of 23. Similarly one of the first to gain a self build mortgage – all without parental support. I believe, as do Government, supported by all the political parties in the House of Commons that every single person should be allowed the opportunity to aspire and to be helped and supported in building their own home. This is now enshrined in law and has been since 2015.

**Chichester District Council's (CDC's) revised Local Plan is not fit for purpose, is not joined-up or managed strategic purposeful thinking nor is the approach consistent, analysed or researched on issues around S&CB within the District, in offering people building plots in a location where they wish to live for many years.**

**Neither has CDC consulted with myself**, the initiator of Self and Custom Build (S&CB) in the District nor with Loxwood Parish Council (LPC) under the **Localism Act**, who have latterly formally requested CDC to be positive and proactive in working with them in creating more S&CB in the village, thereby best retaining village character, history, uniqueness, high build standards and diversity of housing mix and opportunity (**Exhibit 1**) ... all as requested by Government. Nor have CDC consulted us to create a purposeful Housing Strategy for Loxwood.

**The revised Local Plan is therefore not sound** as CDC have shown little regard of Government's ever continuing initiatives to fully support S&CB in the region and nationwide, as clearly shown by their lack of substance, strategy and joined-up thinking within **Chapter 5 and elsewhere within the revised Local Plan. (Exhibit 2)** is a letter to me from the Minister of State for Housing which says *'The Government strongly believes that Self and Custom Build Housing can play a crucial role as part of a wider package of measures in securing greater diversity in the housing market as well as helping to deliver the homes people want', and in locations they want.*

**OVERVIEW**

For S&CB to even start to work at CDC, the **S&CB Register** wording needs to be dramatically improved upon. At present the wording is purposely negative, discouraging and unhelpful to applicants. The Register is required to be inviting to all residents, of whatever status and also those from outside our District.

Similarly CDC should be fully supportive of S&CB in all guises, not only in words in the Local Plan draft, but in actual initiatives directly from CDC as to continually educate, market, promote and encourage S&CB in the District; especially in major Service villages such as Loxwood, which is fast losing its



village character by being overrun by major developers and their standard box style nondescript housing schemes, against the direct wishes of the Parish Council and also residents, as confirmed by **Exhibit 1**.

One of the major frustrations for prospective self and custom builders (S&CB's) is that despite the introduction of the **2015 Self Build and Custom House Building Act (as amended by the 2016 Housing and Planning Act)**, namely the Act there are still too many local authorities that remain resistant to giving self-build the due consideration in the planning process that the Government desires.

**Indeed, the level of weight that Planning Inspectors have regularly attributed to Self-Build in appeal decisions is at odds with the weight that too many local authorities across England ascribe it within the planning balance. This is well recognised by Government, who have set up the *Self Build Task Force (or Right to Build Task Force, as otherwise known)* to interact with LPA's directly as to educate and encourage them to adhere to the Act and the PPG and other Government initiatives, to get their Register in order, and to be far more encouraging and supportive of S&CB.**

Similarly, too many local authorities produce over-inflated monitoring figures with respect to the number of self-build plots they claim to have permissioned and in doing so also claim to have met their statutory duty to meet demand from their Self Build Register. This tends to be achieved through a mixture of double counting and the inclusion of applications within their claimed supply that plainly do not (and never will) meet either the legislative definition within the Act and/or are not in line with the guidance in the S&CB section of the PPG.

However, the proposed additional amendments to the **Levelling Up and Regeneration Bill** – aimed at removing some of the loopholes from the original legislation should help to make it easier for landowners, developers and promoters to bring schemes forward.

The proposed amendments, tabled in the House of Lords Committee, build on the new Clause 115 which has already been introduced in the House of Commons, and which seeks to clarify the duty of Councils to grant sufficient planning permissions for S&CB projects by removing the uncertainty around what constitutes a 'suitable permission' under the current legislation.

**Amendment 281 CB would allow the Government to create new regulations or amend existing ones in order to specify the types of planning permissions that should be counted towards a local authority's statutory duty to meet the demand for S&CB arising from its Self-Build Register.**

Meanwhile Amendment 281CC stipulates that demand for S&CB in an area, as established by a local authority's statutory S&CB Register, is cumulative. What this means in practice is that any unmet demand from any previous Base Period will be rolled over to the next until such time it is met. **The result is that local**

**authorities will no longer be able to simply write off previous under supply.**

These amendments are a welcome response to the practical challenges highlighted in *'The Bacon Review'*, initiated by Government, **into scaling up the S&CB market.**

**'The Bacon Review' found evidence of some local authorities mis-managing their Registers to suppress demand and permission plots.** The detailed analysis and critique of such practices are regularly the subject of successful application and appeal work that professional planning consultants undertake on behalf of landowners and site promoters, to demonstrate that local authorities are not meeting the needs of those wishing to build their own home – **as they are required to do both by legislation and the National Planning Policy Framework (NPPF).**

**Market analysis (e.g. example source) shows that demand for S&CB plots is strong and increasing,** with landowners, developers and promoters keen to bring more schemes forward. However, to date, loopholes in the legislation and a combination of mis- understanding and the mis-management by too many local authorities has hindered progress with delivering enough permissioned plots to meet demand. **This is why the Government funded 'Self Build Task Force' 'has been created (also known as *The Right to Build Task Force*).**

**If the proposed amendments are carried into law, they will help to close off existing loopholes, which should help to enable more land for S&CB to come forward and allow more prospective self and custom builders, at all levels, to achieve their dream home.**

I was formally asked by two very senior 'separate' party councillors at CDC to offer advice as to how best CDC could improve their standards on S&CB in order to adhere to the law, to come in line with Government thinking and how best to support the wishes and dreams of its residents. **This information was formally supplied to CDC (as attached Exhibits 3A, 3B, 3C, 3D and 3E) but has been in large part ignored, within Chapter 5 and elsewhere in the revised Plan.**

## **ISSUES THAT NEED ADDRESSING IN THE DRAFT LOCAL PLAN – CHAPTER 5 AND ELSEWHERE**

### **1. Resistance to S&CB in the Planning Process at CDC**

- Resistance is clearly shown in the lack of meaningful input within the policy statement in Chapter 5 and elsewhere. CDC have not addressed the initial most important issue around their Register by purposely discouraging people to join, including myself (**See Exhibit 3D**), yet Government is well aware of this hidden agenda and is keen for CDC and others to be far more transparent and in seeking help from outside experts, so they can quickly assist their residents and others who wish to Self and Custom Build.



- Resistance has been shown by CDC's lack of any helpful transparent discussion or interaction with me, as to how their systems can be improved, as to best encourage and publicise S&CB in the district.

## REMEDY

- All Members (after the May elections) to be encouraged to attend a **Government Task Force Seminar** on the many merits of S&CB especially within the rural parish councils of the District, as I am to understand that the Task Force have been asked to visit CDC within the next few months. The first issue being the re-writing of the Self Build Register and to make it transparent and open to all. Also that the new Register is extensively advertised to all District residents and elsewhere outside our District as a new '*upgraded Register*'.
- Similarly so by encouraging officers of CDC planning department and also councillors of our northern parishes in particular to also attend the Seminar.
- To encourage all Member Councillors at CDC (in the planning role) to take on the higher role of planning decision making and not allowing officers to continue to take control. Also by reducing officer Delegated Power control and making officers more accountable for their decisions, and by taking back more control themselves, in determining new housing applications specifically as related to S&CB (directly or indirectly).
- CDC to appoint a part time Self and Custom Build Officer with direct experience in this subject, as do several other LPA's, with the sole function of promoting, publishing, encouraging and pushing for more such alternative and upgraded housing. At present CDC advise me that they spend one hour per week on S&CB issues.

## 2. CDC's S&CB Figures

**CDC were monitored recently by the independent HEDNA Report 2022 which very clearly highlighted the inaccurate figures being quoted by CDC. HEDNA showed that the Register numbers were indeed 153 and not 3 as quoted by CDC (Exhibit 3A and 3E)**

**This is a major reason why the draft Local Plan is not sound. CDC have done nothing to amend or deal with this gross error and others as highlighted in the HEDNA report.**

## 3. CDC's Register for Self and Custom Build

- Several parties at CDC have told me that they fully accept that their Register is discriminative and not helpful and wholly deficient and that it needs major changes in attitude.
- CDC are certainly not fulfilling their statutory duties as encouraging, promoting, advertising and educating their councillors and their residents in the many benefits of S&CB. Also in seeking out potential sites, especially in the Loxwood parish for 100% S&CB housing in order to offset major developer housing and the loss of character of the village because of the influx of poor developer standards and loss of community 'add ons' such as a Post Office, a larger primary school, a community hub coffee shop etc. It is well known that S&CB's do not wish to build their homes on major developer sites, but in clustered 100% S&CB sites.
- CDC have advised me that the re-writing of the Register will take 1 year to achieve. Yet bearing in mind that I have already supplied them with the skeleton wording, this is a nonsense. It will take no more than a few days to re-write. The whole process of publicity of the new Register could be completed within one month, if the will was there.
- I don't believe that CDC officers are at all aware of the Government continuous on-going initiatives towards S&CB.
- I also believe such initiatives plus further initiatives will be encompassed into **The Levelling Up and Regeneration Bill and also into the new NPPF** when it is published shortly.
- It should be duly noted that CDC were given circa £90,000 by Government some 5 years ago to support S&CB. This money was never used for this purpose and was utilised elsewhere. CDC very recently applied again for a similar grant and were rejected (**Exhibit 4**).

## REMEDY

- CDC should be encouraged to include in their draft Plan all the changes I have proposed and are duty bound by statute to do in revising and extending their Register, allowing for all the new initiatives Government have already published and hopefully are due to publish and further extend in the near future.
- As to support CDC in these endeavours they should:-
  - seek the help of people like myself and swiftly action such matters
  - arrange an extended **Government Task Force** meeting and swiftly implement their advice and insert same into the Local Plan as to best interpret Government policy **so they (CDC) can ensure their Plan becomes sound.**



- Everybody should understand that all this support and advice will be given for free at no cost to the ratepayers of CDC

\* CDC should regularly consult with people on their Register and if people like myself are willing to offer Register Members help and advice for free, these people should have the opportunity, if they wish, in seeking any help from us. At present CDC are doing nothing to help or encourage this to their Register Members, residents and others in finding suitable building plots, suitable mortgage funding, suitable builders and sub-contractors etc. Again this is a duty that they have ignored.

## CONCLUSIONS

I ask at Examination which I wish to attend that the Inspector seeks that CDC:-

- (1) That the Council will adhere to all the recommendations in the independent HEDNA Report '22 in support of S&CB; starting with re-writing the **Register to show 153 potential applicants and not 3 as stated by CDC (see Exhibit 3A pages 1-3 inc. as already written up. Also Exhibit 3 (E). Also to place in their Plan reference to such changes including those as denoted below as to create a more rigorous S&CB statement.**
- (2) That the Self Build Register be substantially re-written as not to be discriminative by removing all barriers to application. Also that the Register be fully published and supported within the District and that all new and revised Neighbourhood Plans in the District including Letters of Wishes from Parish Councils, show similar insertions in their existing or proposed Plans.
- (3) That **the Bacon Review** proposed insertions be installed in the Plan and any further inserts coming out of the **Levelling Up and Regeneration Bill and the new NPPF** also be inserted, once any or all become law or are published, supporting S&CB.
- (4) That the Council will seek out and support potential sites for S&CB and will encourage their Parish Councils to follow suit.
- (5) That the Council will write a **Planning, Design and Sustainability Statement**, specific to S&CB **(See Exhibit 3 (b) as already written up).**
- (6) That the Council will write a full and precise **Statement of Intent for S&CB Housing (See Exhibit 3(A) pages 4 &5 – as already written up).**
- (7) That the Council will act with some haste in actioning these matters and confirm same in their **S&CB Policy Statement**, within the Plan.

- (8) CDC have no strategy for the Northern District of our Council area and in particular for Loxwood which CDC classify as a Service Village which out of all the parishes is having to take by far the largest majority of all new housing in the Northern area.

Loxwood will need to increase their housing numbers by **220 new homes, plus permissions already granted (91), namely totalling 311 new homes**. If strategy is not fully implemented our historic village character will be lost forever.

It is clearly imperative that CDC planners help and support us in Strategising the housing layout of our whole village style development hubs (of 100% S&CB) by creating housing clusters in lieu of large developer's schemes as per Loxwood Parish Council's (LPC's) wish **(under the Localism Act)** and their Letter of Wishes sent to CDC on 4<sup>th</sup> October, 2022 **(Exhibit 1)**.

The reasonable wish of the residents in Loxwood Parish is to re-invigorate and re-create our historic village layout with new retail and village appropriate developments that will help 'service' us now we are to be a substantially larger village community.

This needs a meaningful impact strategy **(under the Localism Act)** from CDC planners in co-operation with LPC to best encourage our existing residents to stay, by best re-designing our community housing layout and make it fully sustainable and characterful into the next century, and make our historic village a flagship location where people wish to live and build their distinctive highly eco and bio diverse S&CB homes.