

# Custom & Self Build Housing

Supplementary Planning Document

July 2016



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# Foreword

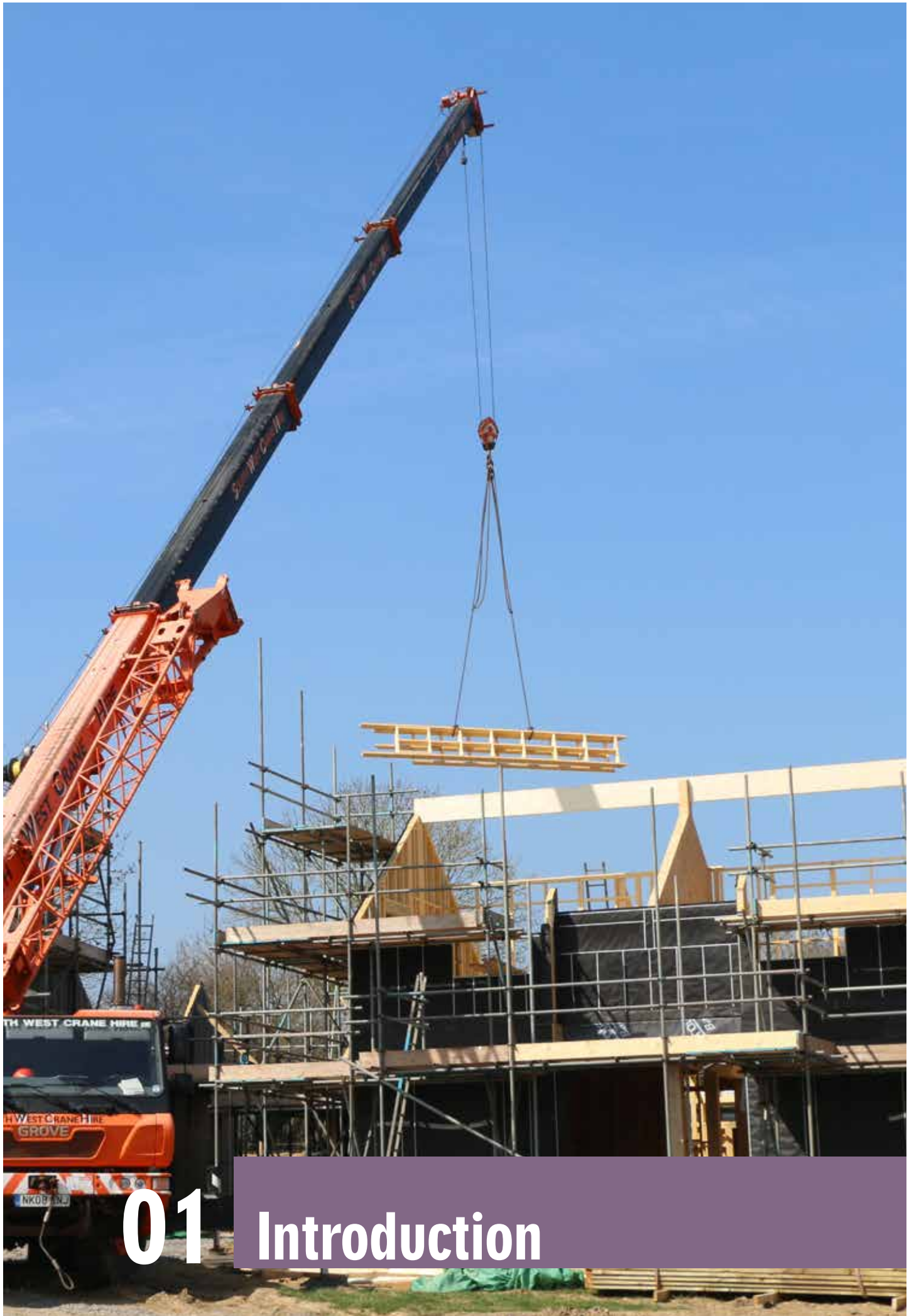
“The affordability of housing in Devon is a continuing challenge and delivering housing that is affordable to local families is a priority for this Council. I believe that Custom and Self Build housing can play an important part in solving the housing challenge, by complimenting the mainstream housing built by large house builders and housing associations.

The availability of Custom and Self build housing is limited by the two key factors of land supply and finance. This Custom and Self Build Supplementary Planning Document will play an important role in supporting planning decisions which deliver land for potential custom and self builders, maintaining Teignbridge District Council’s momentum in solving the land supply challenge. The Council will continue working with partners in Government, the development industry and the Custom and Self Build industry to deliver more serviced plots and give its full support to prospective self builders in the area.”



**Cllr Humphrey Clemens**  
Executive Member for Housing  
and Planning





01

# Introduction

1.1 Teignbridge District Council has a strong track record in promoting and supporting self build housing. This supplementary planning document (SPD) is important in delivering our shared vision to help aspiring self builders. The SPD sets out the Council's objectives and expectations in delivering Custom and Self Build housing. The Council recognises the benefits of Custom and Self Build housing to Teignbridge residents, including:

- Supporting provision of lower cost market and affordable housing for residents
- Supporting the local economy, in particular the construction industry
- Supporting a more resilient supply of housing from a diversity of sources, not just volume house builders
- Encouraging good design and sustainable construction

The boxed text within this document should be considered as SPD policy text.

## What is Custom and Self Build?

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1.2 For the purposes of planning policy, Custom and Self Build dwellings share the same definition and the terms are used interchangeably. Custom Build is where a person commissions a specialist developer to help to deliver their own home, while Self Build is where a person is more directly involved in organising and constructing their home. Both routes require significant input from the home owner in the design process of the dwelling. In this SPD the Council adopts the definition of Self Build as set out in the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) as set out below.

1.3 “Self build and custom housebuilding” means the building or completion by -

- a) Individuals,
- b) associations of individuals, or
- c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.

But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person”.

## Types of Self Build

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- 1.4 Serviced Self Build plots can be delivered in a number of ways, including the following key routes;
- Multiple individual serviced plots required via the Teignbridge Local Plan WE7 '5% policy' – Plots will be located within larger sites which are generally allocated (identified) in the Local Plan around the larger communities within Teignbridge;
  - Single or small sites delivering open market plots – these are likely to be windfall sites (not identified in the Local Plan);
  - Single or small sites delivering affordable plots, including on rural exception sites – these are windfall sites delivered primarily by organisations such as Housing Associations and Community Land Trusts; and
  - Sites delivered by Town or Parish Councils via their Neighbourhood Plans or Neighbourhood Development Orders
- 1.5 Other forms of 'self finish' Custom Build where the dwelling is not built or commissioned by the occupant may not be considered by the Council to be true self build and are not recognised as such by the CIL regulations.

## Demand for Custom and Self Build Plots

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- 1.6 Sites allocated in the adopted Teignbridge Local Plan are expected to deliver approximately 400 serviced Custom Build plots over the plan period, equivalent to 20 plots per year. The Council has also identified that windfall self build plots deliver on average a further 20 units per year. The Council also holds a register of people interested in Custom and Self Building in Teignbridge. This information is available upon request and will give a broad indication of demand.

## Role of Document

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- 1.7 This SPD is aimed at guiding planning decisions made by the Council when determining planning applications. This SPD will also be of particular relevance to Self Build plot providers, developers building more than 20 dwellings, communities involved in Neighbourhood Planning and people wishing to build their own home.
- 1.8 This SPD must be considered in the light of the wider planning policy context including the Teignbridge Local Plan and the National Planning Policy Framework.



## Policy Context

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- 1.9 The National Planning Policy Framework (NPPF) paragraph 50 includes the following specific reference to Custom and Self Build housing;

*“to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities, local planning authorities should plan for ... the needs of different groups in the community such as people wishing to build their own homes.”*

- 1.10 The Teignbridge Local Plan includes Policy WE7 (Custom Build Dwellings) which sets out the Council’s approach to ensuring sufficient delivery of land for people wishing to build their own homes, as follows;
- 1.11 To support prospective custom builders, on sites of more than 20 dwellings developers

will supply at least 5% of dwelling plots for sale to custom builders, which will be controlled by the following means:

- a. the Council may seek developments of more than 10 custom build dwellings in a single site location to be developed in accordance with an agreed design code;
- b. planning permissions should include conditions requiring custom build developments to be completed within 3 years of a custom builder purchasing a plot; and
- c. where plots have been made available and marketed appropriately for at least 12 months and have not sold, the plot(s) may either remain on the open market as custom build or be offered to the Council or a Housing Association before being built out by the developer



## 02 Large Sites

## What is the 5% policy requirement?

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- 2.1 As set out in policy WE7, large sites of more than 20 dwellings should provide at least 5% of dwelling plots for sale to custom builders. The Council expects these plots to be sold with outline planning permission, services to the boundary and access to the highway, as set out below.

## Planning Applications

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- 2.2 The Council would expect sites delivering Self Build plots, including those required via policy WE7, to seek a planning permission for the self build element of the scheme which shall;
- agree that each plot shall have legal access to a public highway;
  - consider how the development phasing of the site will interact with CIL (i.e. ensure CIL is not inadvertently triggered across the whole self build element of the scheme due to commencement elsewhere on site). This could be managed through a phasing plan which identifies phasing for the self build element, and at a later stage individual phases for each self build plot, with separate phasing of access works and the non-self build housing element. See annex C for further information, and;
  - avoid fixing the details concerning the appearance of the dwellings, beyond any matters agreed via a design code. Design details should be applied for via reserved matters to be determined by the occupants or if necessary through a variation to a planning application.
- 2.3 For sites specifically identified in the Local Plan, developers or the Council may seek to secure planning permission by way of a Local Development Order. This grants planning permission for a specified area, creating greater certainty and faster delivery.
- 2.4 An accompanying Design Code for the whole Self Build element of larger schemes may be produced in agreement between the developer and the Council. This will help to clarify and guide what forms of development are acceptable on a site, giving greater certainty to all parties.
- 2.5 Where a Self Build plot has been sold to a customer and built out under contract by the original plot owner with no reasonable option for the customer to freely plan and design their own building, the development will not be considered Self Build for planning purposes and neither will the development benefit from the CIL exemption. This recognises the legal definition of self build as set out in the Housing and Planning Act 2016 and the CIL Regulations 2010 (as amended 2014).

## Serviced Plots

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- 2.6 In most cases, the Council will expect plots to be sold with the minimum service connections available at the boundary.
- 2.7 A serviced Self Build plot is defined as a parcel of land with legal access to a public highway, and at least water, foul drainage and electricity supply available at the plot boundary.
- 2.8 It is desirable that plots also have surface water drainage, telecommunications services, and gas (or district heating) where available. The cost of servicing plots may therefore be reflected in the plot value. Servicing of plots may be carried out in phases, with key services required for plot sale and construction (water, electricity and access) provided before services required for occupation
- (sewerage, telecommunications and gas (where available)).
- 2.9 Where Self Build plots are not proposed to be serviced for sale, the Council will need to be satisfied that legal access and servicing will be possible for potential plot purchasers, before outline planning permission is granted.
- 2.10 It should be noted that the definition of a serviced plot of land as set out in the Housing and Planning Act 2016 (9) (4), means a plot of land that -
- (a) has access to a public highway and has connections for electricity, water and waste water, or
  - (b) can be provided with those things in specified circumstances or within a specified period.

## Providing a mix of plot sizes

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- 2.11 It is good practice for plot providers to seek to provide a mix of serviced plot sizes to meet the range of demand and affordability.
- 2.12 This may include plots suitable for bungalows for people with limited mobility, smaller plots which provide opportunities for households seeking lower cost market housing, and larger plots suitable for semi-detached properties to cater for extended families wishing to build together. Plot providers may also choose to consult with the local community and consider the immediate
- demand. The use of design codes (discussed elsewhere in this document) can ensure the development works as a cohesive whole.
- 2.13 The range of plots provided should be informed by market research or other evidence which may indicate the ability of households to afford plots, such as information from the Help to Buy Agency, the Community Council of Devon rural housing needs assessment, or information from the Council.



## Plot Delivery

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- 2.14 **Access** - Plots will need to be accessible to heavy vehicles required for construction. Where necessary, developers and the Council will need to engage with the Highway Authority (DCC) to explore if alternative or temporary access arrangements can be made to the Self Build element of a scheme in order to promote early delivery of plots and tackle any site safety issues.
- 2.15 Where necessary the Council and/or Highway Authority may require the serviced plot provider (the applicant who secures outline planning permission) to enter into a Section 278 agreement to ensure the provision of safe roads, access routes and junctions. This will ensure roads can be brought up to a suitable standard as development is completed.
- 2.16 On smaller scale projects this may more simply be dealt with via planning conditions.
- 2.17 **Phasing** - On large sites the Council will expect the early delivery of parcels of self build plots. The Council will work with developers to understand any challenges to the early phasing and release of the Self Build element of developments. Where clear justification is provided to demonstrate why parcels of serviced self build plots may not be delivered early in the build programme, the Council will expect custom and self build plots to be released when not more than 50% of the total dwellings are commenced. However, the Council accepts this will vary from site to site, and is subject to access options and size of the overall development.

## Achieving Quality Design

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- 2.18 A benefit of Self Build housing is the opportunity it presents in creating neighbourhoods that have greater variety, opportunity for personalisation and offer better places to live through the design and construction of new dwellings and the spaces around them.
- 2.19 The Council will ensure high quality design by considering Self Build homes against Local Plan policies, particularly S2 (Quality Development) and the forthcoming Teignbridge Design Guide.
- 2.20 On larger developments the Council may require the use of a Design Code to satisfy all parties that developments will be of sufficient quality. The following sets out the issues that may be considered in a Design Code. Not all of the following parameters will always be necessary to fix and Design Codes may include the use of ranges to ensure flexibility.

## Design Codes

2.21 To ensure high quality urban design, and to provide clarity at marketing stage, on sites with multiple self build plots, the Council will seek the agreement of a Design Code, which may be produced in partnership between the Council and the provider of the self build plots.

2.22 A Design Code is a set of written and illustrated rules that establish the design

parameters of a particular development. Design Codes are likely to be site specific and may vary between locations.

2.23 Table A below sets out the parameters that could be addressed within quantifiable parameters by a Design Code, although this may vary depending on the level of detail required.

Theme	Example of parameters that may be agreed within a Design Code	
1.	Plot form	Eg: Plot size and plot width.
2.	Building forms	Eg: Bulk, massing, height, storey heights.
3.	Building Orientation	Eg: Orientation towards the sun, position on plot, overlooking, natural surveillance.
4.	Density	Eg: Site coverage, dwellings per hectare, plot ratios, higher or lower density nodes.
5.	Developable footprint	Eg: Maximum proportion of plot that may be developed; parameters of dwelling position on plot.
6.	Building lines	Eg: Frontage continuity, roof-line parameters, set backs, boundary treatments.
7.	Building types	Eg: Detached, semi-detached, terraced / town house, flats.
8.	Street network	Eg: Urban grain - street and building pattern and connectivity.
9.	Views and vistas	Eg: Relationship to heritage assets, topography, corridors and backdrops.
10.	Soft landscape	Eg: Standards, species planted, biodiversity, lawns and verges, planters.
11.	Building frontage	Eg: Active frontage, frequency of building features such as windows and entrances, architectural styles, features, proportions, materials, colours, balconies, porches
12.	Townscape features	Eg: Eave lines, rooflines, chimneys, corner treatments, focal points, advertising.
13.	Street trees	Eg: Species, numbers, placements.
14.	Parking Standards	Eg: On-street and off-street, on-plot parking, courtyard parking, treatments, overlooking, lighting.
15.	Waste Facility	Eg: Refuse and recycling bin storage, composting.
16.	Infrastructure	Eg: Community energy facilities such as combined heat.

## Plot Passports

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- 2.24 All providers of Self Build plots being marketed within the district should provide sufficient minimum information in the form of an accompanying 'Plot Passport'. The 'plot passport' should provides potential purchasers with clear and concise information on available plots, including the total plot size (m2), any design and siting parameters, as well as cost and location of the plot. This could be similar to the template provided in Annex A.
- 2.25 Some of the information in a plot passport may include key extracts from any relevant agreed Design Code.

## Use of Planning requirements for sale of plots

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- 2.26 When granting planning permission, the Council will consider including planning obligations or conditions to ensure the following issues are addressed;
- a. The Council will consider implementing appropriate mechanisms (eg agreed marketing strategy) to ensure plots are advertised for sale for the appropriate period;
  - b. Where appropriate and subject to further legislation, the Council may require plots to be offered at open market values to people on the Council's Self Build Register; and
  - c. The Council may consider requiring other matters as set out below.

## Marketing

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- 2.27 Self Build plots being delivered under policy WE7 will be expected to be marketed for a minimum period of 12 months.
- 2.28 The marketing of serviced plots shall be carried out in accordance with an agreed marketing strategy. The marketing of plots may begin sooner, but the 12 month marketing period should only begin from when the serviced plot(s) are first available for purchase, and ideally available for purchasers to view with the plot boundary fenced or demarked as appropriate. The plot provider shall notify the Council that the formal 12 month marketing period has begun.
- 2.29 The marketing strategy should set out how plots will be marketed including through; advertisement; an active local marketing campaign including consideration of targeted marketing to potential self builders and local community groups, and; roadside marketing boards.
- 2.30 Once plots have been marketed for the minimum period, they may then remain on the market as Self Build plots, be offered for purchase to the Council or partner Housing Associations, or be built out by the landowner as appropriate.

## Valuation and Resale

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- 2.31 Open market plots, including those delivered via policy WE7 will be sold at market prices. Resale of completed Self Build dwellings would be at open market values, unless it is also recognised affordable housing which would be subject to the appropriate resale value restrictions.
- 2.32 Plots delivered as affordable housing or by the Council in line with the emerging 'Right to Build' may be offered on a first refusal basis to local residents on the Council's self build register (subject to regulations).

## Alternative off-site delivery of Self Build Plots

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- 2.33 The Council's strong preference is that self build plots are delivered on-site. However on sites of more than 20 dwellings where the provision of Self Build plots would somehow prejudice the delivery of the wider scheme, and/or where it can be demonstrated that an alternative site would be more suitable, subject to the agreement of the Council, the off-site delivery of serviced plots on an alternative site may be considered acceptable in principle. The Council will require the developer to secure the alternative serviced site prior to commencement, with delivery and marketing of the alternative plots prior to the occupation of the final 10% of homes on the main development site, although delivery should be sought sooner wherever possible.
- 2.34 As a backstop, the Council will accept a standard payment for delivery of Self Build plots off-site, where there is a case to do so. This will be used by the Council to deliver additional self build plots elsewhere in the district. This off-site payment in lieu is based on information from the Advice on Plot Values Market Report (2015), which provides an estimated likely minimum cost of serviced self build plots (available on the Council's website). The appropriate contribution per off-site plot for provision of a serviced Self Build plot elsewhere will be as follows;
- Total Cost per Plot: £77,500
- 2.35 The above payment in lieu would not be required on sites which cannot reasonably deliver Self Build plots such as constrained town centre urban sites delivering higher density flats and townhouses, including at Newton Abbot Town Centre Markets Area (NA9) and Bradley Lane (NA10), and the regeneration proposals at Brunswick Street in Teignmouth (TE4).

## Issues to be contained in a Section 106 agreement

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- 2.36 Annex B sets out a standardised Section 106 clauses which are likely to be applicable to developments incorporating an element of Self Build.







03

Self Build as Affordable Housing



3.1 There are a number of mechanisms for delivering Custom and Self Build housing that is also affordable housing. These mechanisms include:

- Where developers or landowners are able to work in partnership with a recognised Housing Association or alternative affordable housing provider;
- Where a self builder commits (via an agreed legal document) that the resale of the dwelling shall be restricted to an

eligible household for at least a 20% discount on market prices.

3.2 Affordable Self Build housing plots may be delivered on any type of site including infill plots, departure sites, rural exception sites or allocated sites. The policies for affordable self build housing should be read alongside the Council's Affordable Housing Supplementary Planning Document and relevant policies in the Local Plan.

## Definition of Affordable Self Build Housing

3.3 Self build housing may be considered as affordable housing where it complies with the following criteria set out below, which includes that affordable housing is only provided to eligible households (as determined by local incomes and house prices), that affordable housing remains affordable for future households, and that it costs no more than 80% of market rates. All the criteria must be satisfied.

3.4 To be considered affordable in planning terms, occupants of affordable self build dwellings must satisfy 1) and 2) or 3);

1) Be made by an eligible household(s), meaning occupants of self build dwellings must be able to demonstrate need, to be assessed against the following criteria;

- a) Household income of less than £80,000 p/a;
- b) Do not already own a home;
- c) Able to sustain home ownership;

2) Put in place a legally binding restriction upon the property, as agreed and

implemented via a covenant on the property to ensure that;

- a) the resale of the property is limited to at most 80% of market value in perpetuity, and;
- b) the property may only be sold, let or sub-let after both a period of 3 years after the completion of the dwellings, and only to people who satisfy all the criteria in 1) for affordable housing.

or;

3) Excluding on Rural Exception Sites, the occupant satisfies and complies with Regulations such that the dwelling(s) can be considered a Starter Home.

3.5 To help ensure self build affordable housing projects can access mortgage finance, S106 agreements may include clauses which allow unrestricted resale of properties in the event of repossession.

## Dwellings which satisfy both the WE2 (Affordable Housing) target and WE7 (Custom Build) target

3.6 The Council will not normally expect developments to offer its Self Build element as affordable housing. Where a site of 20 or more dwellings comes forward, which triggers both policies WE2 (Affordable Housing) and WE7 (Custom Build Dwellings), developers may seek to provide affordable Self Build plots that satisfy both policies, subject to satisfying specific criteria.

3.7 Affordable Self Build plots may be 'double counted' as satisfying both the relevant affordable housing policy and the custom build policy, providing all of the following criteria are satisfied:

1. The Council confirms that there is no existing identified need for traditional affordable properties within the relevant area. For development within the towns the relevant area is the District. For development in villages and rural areas the relevant area is the parish or surrounding parishes;
2. The developer must demonstrate that there is realistic deliverable demand for affordable Self Build plots and that this demand can be transferred into the ability to deliver a Custom or Self Build scheme. Relevant criteria may include;
  - a list of households interested in affordable Self Build;
  - the ability of these households to afford or access the necessary finance to afford the project costs including land and construction;
  - the ability of those households to satisfy any relevant affordable housing eligibility and occupancy limitations ;

3. All the plots within any one parcel of affordable Self Build plots shall be sold or transferred as one, via an appropriate self build enabler such as a Housing Association or Community Land Trust. This is to minimise the risk of individual plots of land remaining as undelivered affordable housing;

4. Any affordable Self Build plots shall be provided by the developer to the affordable housing enabler at a cost agreed by both parties, which should be sufficiently low as to enable the delivery of an affordable home;

5. The resale price of the dwellings is restricted to at least 20% below market values, and;

6. Where relevant, the dwellings are subject to the affordable housing clawback period in respect of the CIL Regulations (7 years).

3.8 Criteria c) of policy WE7 regarding dwellings reverting to open market after a minimum 12 month marketing period does not apply for affordable Self Build properties. Within sites seeking to satisfy both Local Plan policies WE2 and WE7, where the affordable Self Build plot(s) cannot be sold after 12 months of marketing, to ensure the delivery of affordable housing, the Council will expect the affordable dwellings to be built out and brought forward via Section 106 (of the Town and Country Planning Act 1990) in the normal way.



## Rural Exception Sites for affordable Custom and Self Build housing

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3.9 In addition to satisfying the criteria above, affordable Custom and Self Build plots delivered on Rural Exception sites will also need to establish that a household has ‘a strong local connection’.

3.10 Demonstrating a ‘strong local connection’ requires that at least one adult resident of each affordable Self Build dwelling shall have to demonstrate to the Local Authority that they satisfy the criteria below, which shall be inserted into a S106 agreement;

3.11 Affordable self build dwellings on rural exception sites shall be occupied and at all times subsequently occupied by a person who:-

- has immediately prior been resident within the parish or neighbouring rural parishes, or;

- has a strong local connection with the parish, including any two of the following:

- family associations within the parish or neighbouring rural parishes;
- any periods of ordinary residence in the parish or neighbouring rural parish not immediately before the date upon which any Affordable Dwelling becomes vacant; and/or
- has current employment of a non-casual nature in the parish or neighbouring parishes.

3.12 Subject to viability evidence, open market self build plots may also be appropriate to enable the development of affordable housing on Rural Exceptions sites in accordance with Local Plan policy WE5 to support the delivery of affordable housing in rural areas.

## Affordable Housing Cascade

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3.13 In accordance with the Affordable Housing allocation cascade in the Affordable Housing SPD, there are circumstances where it may be necessary for a dwelling to be sold or let to someone who does not have a ‘strong local connection’. In such circumstances on Rural Exception Sites, the Council would need evidence that the property has been marketed locally for

at least 6 months. After such a time and if there are no suitable residents with a ‘strong local connection’, the property can be sold or let to anyone who has lived in Teignbridge or Devon for at least 3 years.

## Group led affordable self build housing

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3.14 The Council seek to be supportive of local groups wanting to deliver affordable self build dwellings, where the proposal accords with Local Plan Policies. These groups often form because the members cannot afford to buy a home locally; they are attracted by the potential cost savings that come with building collectively. Experience demonstrates that it is often challenging for groups to identify suitable land and secure finance for their project. Most groups also

find it challenging to organise themselves; they lack knowledge, support and project management skills and they find the building process risky, complicated and frustrating. The Council is able to engage with formally constituted groups such as Community Land Trusts (CLTs) to provide significant advice and support. Prior to providing local authority support the Council may require schemes to be professionally appraised as viable and affordable to members in the long term.

## Size limitations of affordable Custom and Self Build housing on Rural Exception Sites

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3.15 This policy applies to affordable housing in the countryside – specifically self build or custom build dwellings delivered on rural exception sites (or justified via the Rural Exceptions policy). The policy is in place

to ensure these dwellings are limited in size, which in turn helps to protect their affordability and prevent the potential misuse of policies which are designed to deliver affordable homes in perpetuity.

3.16 Affordable self build dwellings that are delivered on rural exception sites shall be limited in size. They shall not exceed 100 sq m gross internal area or 25 sq m per resident, whichever is higher. A worked example of the policy is set out in the table below.

Number of residents in household	1	2	3	4	5	6	7
Maximum floor area (m2) if dwelling is on a rural exception site (excluding garage)	100	100	100	100	125	150	175



Custom & Self Build Housing





**04**

## **Useful Information**



## Neighbourhood and Community Planning

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- 4.1 Powers introduced through the Localism Act 2011 include Neighbourhood Planning and the Community Right to Build. These new powers provide communities with the opportunity to encourage self and custom build housing by creating new planning policies or allocating new development sites in their communities, subject to a local referendum. The Council will engage with communities to support locally proposed Self Build projects wherever possible, subject to the wider planning considerations such as the strategic policies in the Local Plan.
- 4.2 More information on Neighbourhood Plans and Neighbourhood Development Orders is available on the Teignbridge website at;  
[www.teignbridge.gov.uk/neighbourhoodareas](http://www.teignbridge.gov.uk/neighbourhoodareas)

## Community Infrastructure Levy (CIL)

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- 4.3 The CIL Regulations 2010 (as amended 2014) defines self build housing for CIL exemption purposes, as follows;
- Housing built or commissioned by a person and occupied by that person as their sole or main residence for the duration of the clawback period (3 years).*
- 4.4 The CIL Regulations 2010 (as amended 2014) have introduced an exemption for people building or commissioning their own home, providing it is occupied as their sole or main residence (see Regulations 54A – 54D). Qualifying Self Build developments will still be required to accept liability for the CIL and declare that their development is intended to be Self Build, prior to the commencement of development.
- 4.5 The self builder must remain as the occupant of the dwellings for a minimum of 3 years after completion. If the dwelling is sold or let within 3 years of completion, the Council will claw back the CIL liability, meaning the owner will have to pay the full CIL charge for the dwelling. Since the CIL is a land charge, this will appear on any 'search' a potential buyer carries out regarding the property. Occupancy will be monitored through Council tax and electoral roll records. Further information is available at [www.teignbridge.gov.uk/cil](http://www.teignbridge.gov.uk/cil).
- 4.6 CIL exemption for Self Build dwellings will only be permitted where the appropriate evidence is provided to demonstrate the development is genuinely Self Build development and in the spirit of the CIL Self Build exemption regulations. Where a speculative developer is considered to be seeking to avoid CIL, for example by selling off-plan dwellings with customised features via a full or reserved matters planning application, the Council will not consider this to be true self build for the purposes of gaining exemption from CIL.
- 4.7 It is also important to note that for developers reverting Self Build plots back to speculative or regular open market plots (possible after 12 months) under policy WE7 c), the CIL exemption will no longer apply and the dwellings will be liable for the full CIL levy.

## Building Control

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- 4.8 Devon Building Control Partnership: The build out of the proposal will be subject to the requirements of the Building Regulations 2010. Early free and impartial advice on meeting compliance and

helping to avoid abortive design work, as well as Structural Warranty advice, can be obtained through Building Control on **mail@devonbuildingcontrol.gov.uk** or by calling 01626 215793.

## VAT information

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- 4.9 The construction of new build dwellings is not subject to VAT, so self builders are able to reclaim their VAT on many projects. The following websites have further information on qualifying

building works and application to HMRC;

[www.gov.uk/vat-building-new-home/overview](http://www.gov.uk/vat-building-new-home/overview)  
[www.selfbuildportal.org.uk/vat](http://www.selfbuildportal.org.uk/vat)

## Teignbridge Self Build Register

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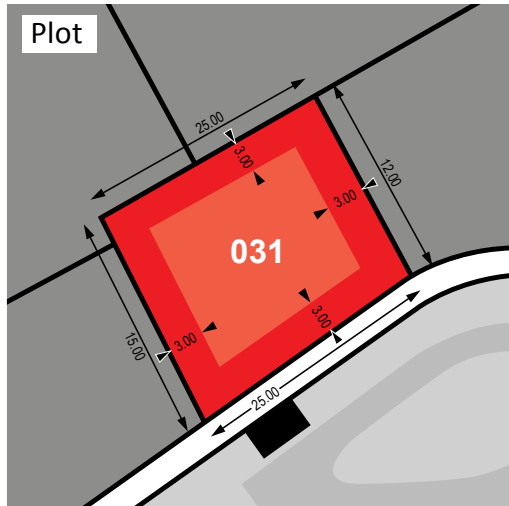
- 4.10 The Council holds a Self Build Register, which is used to measure the demand for self build in the district and to contact prospective self builders when plots become available.

If you wish to register please visit the Teignbridge website;

[www.teignbridge.gov.uk/register](http://www.teignbridge.gov.uk/register)



## Annex A: Example plot passport

Illustrative Only - Example Plot Passport	
Core Data	Notes, Planning Conditions and Legal Covenants
<p><b>Location:</b> Green Park, Newton Abbot</p> <p><b>Plot Number:</b> 031</p> <p><b>Gross plot area:</b> 225 sq m</p> <p><b>Maximum Developable area:</b> 110 sq m</p> <p><b>Land price:</b> £40,000</p> <p><b>Plot Servicing Charge:</b> £15,000</p> <p><b>Total Price (including Stamp Duty Land Tax):</b> £55,000</p> <p><b>Planning Reference Number:</b> 16/00001/OUT</p> <p><b>Land Registry Title Number (if available):</b> DN123456</p> <p><b>Annual common green space maintenance charge:</b> £100</p>	<ul style="list-style-type: none"> <li>• ReReserved matter planning approval of the details, layout, scale, and appearance of the dwelling shall be obtained from the Local Planning Authority in writing before commencement (if a Local Development Order does not exist);</li> <li>• Plot is for one dwelling only;</li> <li>• Dwelling cannot be a home in multiple occupation;</li> <li>• Dwelling must be the occupier's sole or main residence;</li> <li>• Dwellings will include at least one on-plot parking space;</li> <li>• Price valid until 1st January 2017;</li> <li>• Community Infrastructure Levy payment will be liable if property sold within 3 years. As an example this would be £12,500 for a 100 sq m dwelling;</li> <li>• This site is fully serviced with fresh water, foul drainage, electricity and telecommunications available at the plot boundary;</li> <li>• Plot and site have legal access to a public highway. On-site roads will be constructed to an adoptable standard;</li> <li>• All S106 contributions have been paid;</li> <li>• Each dwelling will be subject to an annual green spaces maintenance service charge;</li> <li>• The dwelling design will conform to the design code for the site.</li> <li>• The dwelling shall be completed within 3 years of purchase;</li> <li>• Full details of access, highways construction, on-site play, open space, biodiversity mitigation and SUDS surface water drainage strategies have already been agreed and approved;</li> </ul>
<div> <div> Neighbourhood  </div> <div> Plot  </div> </div>	

## Annex B: Example of standard clauses to be included in Section 106 Agreements for Custom and Self Build dwellings delivered via Local Plan policy WE7

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### Definitions

#### “Affordable Dwelling”

means each unit of Affordable Rented Housing and Intermediate Affordable Housing to be delivered on the Site.

#### “Self build and custom build Dwelling”

A dwelling which meets the definition in the Self-Build and Custom Housing Act 2015 (as amended) and the Community Infrastructure Levy Regulations (as amended).

#### “Serviced Custom or Self Build plot”

means the plot on the Development upon which the Custom Build or self build Dwelling is to be constructed, which shall have legal access to a public highway, and electricity, water and waste water connections at least to the plot boundary.

#### “Open Market Dwelling”

means each of the Dwellings to be constructed which are not Affordable Dwellings.

#### “Marketed Appropriately”

means marketing the Custom Build Plots in accordance with an agreed Marketing Strategy

#### “Marketing Period”

means a period of not less than 12 months in which the Custom Build Plots will be Marketed Appropriately, which will commence once the Custom Build Plots are available for purchase.

#### “Reserved Matters Application”

means an application for reserved matter details to be submitted by the Owner

to the Council pursuant to the Planning Permission.

#### “Teignbridge Local Plan”

means the Teignbridge Local Plan 2013 – 2033 adopted by the Council on 6 May 2014.

### Draft Standard Clauses

#### 1. Custom Build Plots

- 1.1 In addition to the Affordable Dwellings, the Owner shall provide a minimum of 5% of the total number of Dwellings as serviced Custom Build Plots. Where the total number of Custom Build Plots to be provided includes part of a whole number then the number of Custom Build Plots shall be rounded up where the part of the whole number is 0.5 or more and shall be rounded down where the part of the whole number is less than 0.5.
- 1.2 As part of the Planning Application the Owner shall indicate each phase of Custom Build Plot homes.
- 1.3 Occupation of more than x% of the Open Market Dwellings on the site will not be permitted until [number of plots] fully Serviced Plots are being Marketed Appropriately.
- 1.4 The Custom Build Plots shall be Marketed Appropriately for the Marketing Period. If at the end of the Marketing Period the Owner has been unable to sell the Custom Build Plots, in accordance with policy WE7 of the Teignbridge Local Plan the Owner may elect for the Custom Build

Plots to remain on the open market or may offer the Custom Build Plots to the Council to purchase or to a housing association. Where the plots are affordable self build plots, the dwellings must remain as affordable dwellings.

for the plots to be provided as Custom Build Plots.

1.10 Where the Council refuses to give its consent then it shall provide the owner with written reasons for that decision.

1.5 If the Owner elects to offer the Custom Build Plots to the Council or to a housing association, the Owner shall make a written offer of the Custom Build Plots to the Council and / or a housing association and that offer shall specify the terms of the sale and that offer shall remain open for x days.

1.6 If the Council or the housing association declines the offer to purchase the Custom Build Plots or the parties are unable to agree the terms of the purchase under clause 1.5 above, the Owner may apply to the Council, in writing, to be released from its obligations to provide these plots as Custom Build Plots. The Owner shall provide sufficient and suitable evidence that the Custom Build Plots have been Marketed Appropriately for the Marketing Period and on acceptable marketing terms.

1.7 The Council has 21 days, from the date of the request, made in accordance with clause 1.6, above to decide whether or not to release the Owner from its obligations for the plots to be provided as Custom Build Plots.

1.8 Within those 21 days the Council may request further information from the Owner. In such circumstances the Council has a further seven days from receipt of that further information to give its decision.

1.9 The Council shall not unreasonably withhold or delay giving its consent to release the Owner from its obligations



## Annex C: Recommended Planning Application Format for Development involving Custom and Self Build dwellings

Type of development	Recommended Planning Application Format	Community Infrastructure Levy (CIL) Advice for Self Builders
<b>Single Self Build dwelling</b> (including affordable housing)	Outline or Full permission both acceptable. A Phasing Plan is required if the self builder wishes to begin any works (eg access or servicing) without triggering the CIL liability for the dwelling.	Before Commencement all Self Builders must complete/submit the following forms or they must be charged CIL and will lose the ability to pay in instalments;
<b>Any larger residential site involving multiple self build plots</b> (including windfalls or sites invoking policy WE7)	<p>The following approaches will ensure that permissions for self build can be commenced (eg: starting access works) without triggering the CIL liability for the whole site. It also allows TDC to collect the CIL on a phase by phase basis.</p> <p><b>1. Outline Planning Application:</b></p> <ul style="list-style-type: none"> <li>Red line around whole application site at outline stage</li> <li>Application to show each plot and any access works to be phased separately via a phasing plan.</li> <li>Separate Reserved Matters</li> </ul> <p><b>2. Hybrid Planning Application:</b></p> <ul style="list-style-type: none"> <li>Outline permission granted for whole site (with appropriate conditions for site wide landscaping, boundary treatments, contaminated land survey, habitat survey, etc). Each plot to be identified as a separate phase.</li> <li>Full permission granted for access works including any necessary drainage and services.</li> <li>Separate Reserved Matters application for each plot.</li> </ul>	<ul style="list-style-type: none"> <li>Self Build Exemption Claim Form (part 1) stating they will be living in the dwelling: <a href="https://ecab.planningportal.co.uk/uploads/1app/forms/form_7_self_build_part_1_exemption_claim.pdf">https://ecab.planningportal.co.uk/uploads/1app/forms/form_7_self_build_part_1_exemption_claim.pdf</a></li> <li>Assumption of CIL liability Form: <a href="https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf">https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf</a></li> <li>Commencement Notice: <a href="https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf">https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf</a></li> </ul> <p>Within 6 months of Completion they must also send Teignbridge the following documentation or the Authority will clawback the CIL liability;</p> <ul style="list-style-type: none"> <li>Self Build Exemption Claim Form (part 2): <a href="https://ecab.planningportal.co.uk/uploads/1app/forms/form_7_self_build_part_1_exemption_claim.pdf">https://ecab.planningportal.co.uk/uploads/1app/forms/form_7_self_build_part_1_exemption_claim.pdf</a></li> <li>Title deed of property (with their name on it)</li> <li>Compliance certificate (Building Regs completion certificate)</li> <li>Council tax certificate</li> </ul> <p>Plus two of the following (with their name and address on it);</p> <ul style="list-style-type: none"> <li>Utility bill</li> <li>Bank statement</li> <li>Electoral Roll Registration</li> </ul>

		<p>Plus one of the following documents:</p> <ul style="list-style-type: none"> <li>• Approved claim from HMRC VAT refunds for DIY housebuilders</li> <li>• Specialist Custom Build Warranty</li> <li>• Proof of approved custom build mortgage</li> </ul> <p>Teignbridge District Council will clawback CIL if the self builder sells or lets the property within 3 years of completion.</p>
<b>Material Amendments</b>	Under section 73 of TCPA 1990.	Note that any increase in floor area will result in increased CIL liability unless Self-Build Exemption can be claimed.

