

# **Guidance Notes for the Self-Build and Custom Housebuilding Register**

## **Introduction**

1. The National Planning Policy Framework requires local planning authorities to identify local demand for people who want to build their own homes and make provision in their local plans. The Self-build and Custom Housebuilding Act 2015<sup>1</sup> places a duty on local planning authorities to keep a register of individuals and community groups who have expressed an interest in bringing forward self-build and custom build projects.

2. Self-build housing means that you are directly involved in organising the design and construction of your new home. Custom build usually means you are working with a specialist developer to help you deliver your new home. There may be some overlap between the two – for example, some custom build developers offer the option of a serviced plot<sup>2</sup> where you can design and build your own home as part of a larger scheme.

## **The Register**

3. Gedling Borough Council administers the Self-build and Custom Housebuilding Register on behalf of the Councils listed below:-

- Broxtowe Borough Council (click [here](#) for map)
- Erewash Borough Council (click [here](#) for map)
- Gedling Borough Council (click [here](#) for map)
- Nottingham City Council (click [here](#) for map)
- Rushcliffe Borough Council (click [here](#) for map)

4. The Self-Build and Custom Housebuilding Register applies only to serviced plot(s) of land within the Councils listed above.

5. You will only be eligible for entry on the Register if you are:-

- (a) Aged 18 or over;
- (b) A British citizen, a national of an European Economic Area (EEA) state<sup>3</sup> other than the United Kingdom, or a national of Switzerland; and

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2015/17>

<sup>2</sup> A serviced plot of land is a plot of land that either has access to a public highway and has connections for electricity, water and waste water, or, in the opinion of a relevant authority, can be provided with access to those things within the duration of a development permission granted in relation to that land.

<sup>3</sup> The European Economic Area (EEA) includes European Union (EU) countries (Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom) and also Iceland, Liechtenstein and Norway. For further information, please see <https://www.gov.uk/eu-eea>.

(c) Seeking (either alone or with others) to acquire a serviced plot of land in an authority's area to build a house to occupy as your sole or main residence.

6. If you are a couple or there are two or more members in your household then please only submit one form. The named person will become the 'lead contact' whose name and address will, should your submission be accepted, be included in the Register.

7. Should you be submitting details of an association (i.e. a group of individuals), you will be required to provide the details (name, address, date of birth and nationality) for each member.

8. The Self-build and Custom Housebuilding Regulations 2016<sup>4</sup> allows local planning authorities to set a local connection test to split the Register into two parts. Applications that meet all of the eligibility criteria which include a local connection test should be placed onto Part 1 of the Register. Those applications that fail a local connection test but otherwise meet the basic eligibility criteria (as set out in paragraph 5) are entered onto Part 2 of the Register.

9. The Register has been split into Part 1 and Part 2 as follows:-

### **Part 1 of the Register**

10. You will only be eligible for Part 1 of the Register if you meet the local connection test. An association (i.e. a group of individuals) is eligible for Part 1 of the Register if all members of the association meet the local connection test.

11. To meet the local connection test, and be entered onto Part 1 of the Register, you would need to either:-

- Have lived in the Council's area (Broxtowe Borough Council, Erewash Borough Council, Gedling Borough Council, Nottingham City Council or Rushcliffe Borough Council) for 3 of the last 5 years; or
- Have immediate family member(s)<sup>5</sup> who are living in the Council's area; or
- Have permanent employment within the Council's area; or
- Are in service of the regular or reserve armed forces of the Crown or have applied within five years of leaving.

12. You are only required to meet one of the above criteria. If you meet more than one of the criteria this does not mean that your application will be given greater priority over other applicants who meet only one criterion. However if you wish to build several plots in more than one Council area you would need to fill in a separate registration form for each Council area.

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<sup>4</sup> <http://www.legislation.gov.uk/ukxi/2016/950>

<sup>5</sup> Immediate family member is usually defined as one's spouse, cohabitating partner, parents, aunts, uncles, children, siblings, grandchildren and immediate in-laws (mother-in-law, father-in-law, brother-in-law and sister-in-law). Adopted children and step children also count as immediate family members.

13. Any person in the service of the regular armed forces of the Crown is deemed to satisfy the local connection test whilst in service and for a period of five years after leaving the service.

## **Part 2 of the Register**

14. If you do not meet the local connection test (as set out in paragraph 11), you will be eligible for Part 2 of the Register. You would only need to meet the basic eligibility criteria (see paragraph 5).

## **What will happen to the entries on Part 1 and Part 2 of the Register?**

15. The Self-build and Custom Housebuilding Regulations 2016 specifies that applications that meet all of the eligibility criteria which include a local connection test should be placed onto Part 1 of the Register. The Self-build and Custom Housebuilding Act 2015 specifies that local planning authorities must count entries on Part 1 of the Register towards the number of suitable serviced plots of land that they must grant permission for. The level of demand is established by the number of entries added to the Register during a base period (from 31 October to 30 October each year)<sup>6</sup>. At the end of each base period, the Councils have 3 years in which to grant permission for an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.

16. Those applications that fail a local connection test but otherwise meet the basic eligibility criteria (as set out in paragraph 5) must be entered onto Part 2 of the Register. Entries on Part 2 do not count towards demand that must be met through planning permissions, but the Self-build and Custom Housebuilding (Register) Regulations 2016 specify that local planning authorities must have regard to the entries on Part 2 when carrying out their planning, housing, land disposal and regeneration functions.

## **How we will process your application?**

17. The Self-build and Custom Housebuilding (Register) Regulations 2016<sup>7</sup> states that a relevant authority must determine an application for entry in the Register within 28 days of the date that the application was received. You will be notified in writing within 28 days of the receipt of the information provided to confirm whether or not you qualify to be on Part 1 or Part 2 of the Register. If you have been unsuccessful for entry onto Part 1 of the Register, you will be notified in writing and reasons will be given as to why you are not considered eligible. If your application for entry onto Part 1 of the Register is unsuccessful you can appeal against the decision.

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<sup>6</sup> The first base period is the period beginning with the day on which the register was established and ending with 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. This means 31 October to 30 October each year.

<sup>7</sup> <http://www.legislation.gov.uk/ukxi/2016/105>

## **Appeal**

18. If you are unhappy or unclear about the reason(s) for the application not being placed onto Part 1 of the Register, you can speak to the Planning Policy section at Gedling Borough Council (administrator) at [planningpolicy@gedling.gov.uk](mailto:planningpolicy@gedling.gov.uk) or telephone 0115 901 3733.

19. If you are still unhappy with the decision, then you can appeal against the decision using the relevant Council's complaints system. Each Council has their own complaints, compliments and comments policy and their own online complaints form that you can fill in:-

- Broxtowe Borough Council – [Policy](#) and [complaints form](#)
- Erewash Borough Council – [Policy](#) and [complaints form](#)
- Gedling Borough Council – [Policy](#) and [complaints form](#)
- Nottingham City Council – [Policy and complaints form](#)
- Rushcliffe Borough Council – [Policy](#) and [complaints form](#)

20. The deadline for submitting an appeal is six months from the date of the decision letter. Further details about the complaints process are provided in the above Councils' complaints, compliments and comments policy.

## **Annual review and change in circumstances**

21. There will be an annual review of the entries on Part 1 and Part 2 of the Register to ensure they reflect up to date demand. We will contact those on the Register on an annual basis to check whether they wish to remain on the Register. Applicants are also asked to contact us if their contact details change or if there is any change in their circumstances which may affect their eligibility to join Part 1 or Part 2 of the Register.

## **How do we help people to find plots to build their own homes?**

22. If a developer has a site or plot(s) available for people to build their own home, the Council will help pass the information from a developer to those on the register. As the Councils are unable to share information of those on the register for data protection reasons, they can help by notifying those on the register of a site's availability in the area where they wish to build.

23. The Self Build Portal web site includes a range of advice on how to source self-build plots and can be found at the following web [www.selfbuildportal.org.uk/finding-a-plot](http://www.selfbuildportal.org.uk/finding-a-plot).

## **What do we do with your information? (General Data Protection Regulation)**

24. The Self-build and Custom Housebuilding (Register) Regulations 2016 have been released to help Councils understand what information they require from individuals or associations (i.e. groups of individuals) wishing to apply for entry onto the Self-build and Custom Housebuilding Register. We will use the information provided by you for the Self-build and Custom Housebuilding Register only. The

basis under which the Council uses personal data for this purpose is that this is necessary for the performance of a task carried out in the public interest by the Council or in the exercise of official authority vested in the Council. You are not obliged, either by statute or contract, to provide the information that is requested here. However, if you do not supply the information and evidence required we would not be able to process your application.

25. Gedling Borough Council administers the Self-build and Custom Housebuilding Register on behalf of the Councils listed below. The Data Controller will be the authority for the area that the person registering wishes to build in and further information including contact details for each Council's Data Protection Officer, how long each Data Controller retains your data, who they share it with and your rights can be found on each Council's privacy notice below:-

- Broxtowe Borough Council: [www.broxtowe.gov.uk/Planningprivacynotice](http://www.broxtowe.gov.uk/Planningprivacynotice)
- Erewash Borough Council: [https://www.erewash.gov.uk/media/EBC/web-files/planning/Planning\\_Policy\\_Privacy\\_Notice\\_-\\_Sept\\_2019.pdf](https://www.erewash.gov.uk/media/EBC/web-files/planning/Planning_Policy_Privacy_Notice_-_Sept_2019.pdf)
- Gedling Borough Council: [www.gedling.gov.uk/planningpolicy-privacy](http://www.gedling.gov.uk/planningpolicy-privacy)
- Nottingham City Council: [www.nottinghamcity.gov.uk/privacy-statement](http://www.nottinghamcity.gov.uk/privacy-statement)
- Rushcliffe Borough Council: [www.rushcliffe.gov.uk/privacy](http://www.rushcliffe.gov.uk/privacy)

26. If at any time you wish to be removed from the Register, or if your contact details or circumstances change, please contact the Planning Policy section at Gedling Borough Council (administrator) via email at [planningpolicy@gedling.gov.uk](mailto:planningpolicy@gedling.gov.uk) or telephone 0115 901 3733.