



Self-build and Custom Housebuilding Act 2015

2015 CHAPTER 17

[^{F1}2A Duty to grant planning permission etc

- (1) This section applies to an authority that is both a relevant authority and a local planning authority within the meaning of the Town and Country Planning Act 1990 (“the 1990 Act”).
- (2) An authority to which this section applies must give ^{F2}... development permission [^{F3}for the carrying out of self-build and custom housebuilding on enough serviced plots] of land to meet the demand for self-build and custom housebuilding in the authority's area [^{F4}in respect of] each base period.
- (3) Regulations must specify the time allowed for compliance with the duty under subsection (2) in relation to any base period.
- (4) The first base period, in relation to an authority, is the period—
 - (a) beginning with the day on which the register under section 1 kept by the authority is established, and
 - (b) ending with [^{F5}30 October 2016].

Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period.

- (5) In this section “development permission” means planning permission or permission in principle (within the meaning of the 1990 Act).

[Regulations may make provision specifying descriptions of planning permissions or ^{F6}(5A) permissions in principle that are, or are not, to be treated as development permission for the carrying out of self-build and custom housebuilding for the purposes of this section.]

- (6) For the purposes of this section—
 - [^{F7}(a) the demand for self-build and custom housebuilding in an authority's area in respect of a base period is the aggregate of—

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- (i) the demand for self-build and custom housebuilding arising in the authority's area in the base period; and
 - (ii) any demand for self-build and custom housebuilding that arose in the authority's area in an earlier base period and in relation to which—
 - (A) the time allowed for complying with the duty in subsection (2) expired during the base period in question, and
 - (B) the duty in subsection (2) has not been met;
 - (aa) the demand for self-build and custom housebuilding arising in an authority's area in a base period is evidenced by the number of entries added during that period to the register under section 1 kept by the authority;]
 - (b) an authority gives development permission if such permission is granted—
 - (i) by the authority,
 - (ii) by the Secretary of State or the Mayor of London on an application made to the authority, or
 - (iii) (in the case of permission in principle) by a development order, under section 59A(1)(a) of the 1990 Act, in relation to land allocated for development in a document made, maintained or adopted by the authority;
 - ^{F8}(c)
- (7) A grant of development permission in relation to a particular plot of land may not be taken into account in relation to more than one base period in determining whether the duty in this section is discharged.
- (8) No account is to be taken for the purposes of this section of development permission granted before the start of the first base period.
- (9) Regulations under subsection (3)—
- (a) may make different provision for different authorities or descriptions of authority;
 - (b) may make different provision for different proportions of the demand for self-build and custom housebuilding [^{F9}in respect of] a particular base period.]

Textual Amendments

- F1** S. 2A inserted (31.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 10(1)**, 216(3) (with s. 10(3)); S.I. 2016/733, reg. 5
- F2** Word in s. 2A(2) omitted (31.1.2024) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 123(1)(a)(i)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(f)
- F3** Words in s. 2A(2) substituted (31.1.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 123(1)(a)(ii)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(f)
- F4** Words in s. 2A(2) substituted (31.1.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 123(1)(a)(iii)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(f)
- F5** Words in s. 2A(4)(b) substituted (31.10.2016) by [The Housing and Planning Act 2016 \(Commencement No.2, Transitional Provisions and Savings\) Regulations 2016 \(S.I. 2016/733\)](#), **reg. 11(2)**
- F6** S. 2A(5A) inserted (31.1.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 123(1)(b)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(f)
- F7** S. 2A(6)(a)(aa) substituted for s. 2A(6)(a) (31.1.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 123(1)(c)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(f)
- F8** S. 2A(6)(c) omitted (31.1.2024) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 123(1)(d)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(f)

Changes to legislation: There are currently no known outstanding effects for the Self-build and Custom Housebuilding Act 2015, Section 2A. (See end of Document for details)

F9 Words in s. 2A(9)(b) substituted (31.1.2024) by Levelling-up and Regeneration Act 2023 (c. 55), ss. 123(1)(e), 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(f)

Modifications etc. (not altering text)

C1 S. 2A excluded (31.10.2016) by The Self-build and Custom Housebuilding Regulations 2016 (S.I. 2016/950), regs. 1, 9

Changes to legislation:

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