

2016 No. 1027

TOWN AND COUNTRY PLANNING, ENGLAND

The Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016

Made - - - - 25th October 2016

Coming into force - - 31st October 2016

The Secretary of State makes the following regulations in exercise of the powers conferred by section 2A(3) of and paragraph 6 of the Schedule to the Self-build and Custom Housebuilding Act 2015(a).

In accordance with section 4(1) of that Act(b), a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016 and come into force on 31st October 2016.

(2) In these Regulations—

“the Act” means the Self-build and Custom Housebuilding Act 2015; and

“register” means the register that a relevant authority is required to keep under section 1(1) of the Act (register of persons seeking to acquire land to build a home)(c).

Time for compliance with duty to grant planning permission

2. The time allowed for an authority to which section 2A of the Act (duty to grant planning permission etc) applies to comply with the duty under subsection (2) of that section in relation to any base period is the period of 3 years beginning immediately after the end of that base period(d).

Fees

3.—(1) A relevant authority may charge a fee to a person—

(a) to be entered on the register for a base period or part of a base period; and

(b) thereafter, on an annual basis, to remain on that register irrespective of whether any fee was charged to be entered on the register.

(a) 2015 c. 17; section 2A was inserted by section 10 of, and paragraph 6 of the Schedule was amended by section 12(2) of, the Housing and Planning Act 2016 (c.22).

(b) Section 4(1) of the Self-build and Custom Housebuilding Act 2015 was amended by section 12(3) of the Housing and Planning Act 2016.

(c) “Relevant authority” is defined in section 1 of the Act.

(d) “Base period” is defined in section 2A(4) of the Act.

(2) A relevant authority must determine when a fee is to be payable, and must refund any fee paid by a person whose application to be entered on or to remain on the register is unsuccessful.

(3) The amounts of fees charged by a relevant authority under paragraph (1) are to be determined and must be published by that authority.

(4) Different fees may be charged to different categories of applicant under paragraph (1).

(5) In determining the amounts of fees, a relevant authority must secure that, taking one financial year with another—

(a) the income from fees payable by persons to whom the duty in section 2A does not apply as a consequence of the Self-build and Custom Housebuilding Regulations 2016^(a) does not exceed its reasonable costs incurred in connection with its functions under section 1 of, and the Schedule to, the Act; and

(b) the income from fees payable by other persons does not exceed its reasonable costs incurred in connection with its functions under sections 1 and 2A of, and the Schedule to, the Act.

(6) A relevant authority may not charge a fee to remain on the register to any person in relation to whom the duty in section 2A of the Act does not apply either as a consequence of the Self-build and Custom Housebuilding Regulations 2016 or as a consequence of a direction issued under section 2B(1) of the Act^(b).

Signed by authority of the Secretary of State for Communities and Local Government

Gavin Barwell
Minister of State

25th October 2016

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Self-build and Custom Housebuilding Act 2015 (“the Act”) requires a relevant authority to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority’s area.

Section 2A of the Act imposes a duty on relevant authorities to grant sufficient development permissions in respect of serviced plots of land to meet the demand as evidenced by the number of entries on the register in a base period. Regulation 2 of these Regulations specifies three years as the period within which the required number of development permissions relating to a base period must be granted to satisfy the duty.

Paragraph 6 of the Schedule to the Act allows regulations to enable relevant authorities to charge fees in connection with their functions in connection with maintaining the register and complying with the duty in section 2A. Regulation 3 of these Regulations allows authorities to charge fees to recover their reasonable costs of entering a person on the register, permitting a person to remain on the register, and complying with the duty in section 2A. In cases where the duty in section 2A does not apply to a person the costs that can be taken into account in setting the fee are limited to the costs of entering that person on the register.

An impact assessment has not been prepared for this instrument as it has no impact on business, charities or the voluntary sector.

(a) S.I. 2016/950.

(b) Section 2B was inserted into the Act by section 11 of the Housing and Planning Act 2016.

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