



# Housing and Planning Act 2016

## 2016 CHAPTER 22

### PART 1

#### NEW HOMES IN ENGLAND

### CHAPTER 2

#### SELF-BUILD AND CUSTOM HOUSEBUILDING

## 9 Definitions

- (1) In section 1 of the Self-build and Custom Housebuilding Act 2015 (register of persons seeking to acquire land), before subsection (1) insert—

“(A1) In this Act “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.

(A2) 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.”

- (2) In subsection (1) of that section—

- (a) omit “(including bodies corporate that exercise functions on behalf of associations of individuals)”;
- (b) for “in order to build houses for those individuals to occupy as homes” substitute “for their own self-build and custom housebuilding”.

- (3) After subsection (6) of that section insert—

“(6A) In this section—

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“association of individuals” includes a body corporate that exercises functions on behalf of an association of individuals;

“completion” does not include anything that falls outside the definition of “building operations” in section 55(1A) of the Town and Country Planning Act 1990;

“home”, in relation to an individual, means the individual's sole or main residence.”

(4) In section 5 of that Act (interpretation)—

(a) at the appropriate place insert—

““self-build and custom housebuilding” has the meaning given by section 1;”;

(b) for the definition of “serviced plot of land” substitute—

““serviced plot of land” 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;”;

(c) at the end of that section (the existing text of which becomes subsection (1)) insert—

“(2) Regulations may amend the definition of “serviced plot of land” by adding further services to those mentioned in paragraph (a).”

#### Commencement Information

**II** [S. 9](#) in force at 31.10.2016 by [S.I. 2016/733](#), [reg. 5](#)

## 10 Duty to grant planning permission etc

(1) After section 2 of the Self-build and Custom Housebuilding Act 2015 insert—

### “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 suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in 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

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- (b) ending with the day before the day on which section 10 of the Housing and Planning Act 2016 comes into force.

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).
- (6) For the purposes of this section—
  - (a) the demand for self-build and custom housebuilding arising in an authority's area in a base period is the demand as 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;
  - (c) development permission is “suitable” if it is permission in respect of development that could include self-build and custom housebuilding.
- (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 arising in a particular base period.”

- (2) In section 3 of that Act (guidance), after subsection (2) insert—

“(3) An authority that is subject to the duty in section 2A must have regard to any guidance issued by the Secretary of State in relation to that duty.”

- (3) In relation to entries made on the register under section 1 of that Act before [F131 October 2016], any reference to self-build and custom housebuilding in section 2A of that Act (inserted by subsection (1) above) is to be read as if, in section 1 of that Act (as amended by section 9 above)—
  - (a) the words “or completion” in subsection (A1) were omitted, and
  - (b) the definitions of “completion” and “home” in subsection (6A) were omitted.

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#### Textual Amendments

- F1** Words in [s. 10\(3\)](#) 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. 12\(2\)](#)

#### Commencement Information

- I2** S. 10 in force at 31.10.2016 by [S.I. 2016/733](#), [reg. 5](#)

## 11 Exemption from duty

After section 2A of the Self-build and Custom Housebuilding Act 2015 (inserted by section 10 above) insert—

### “2B Exemption from duty in section 2A

- (1) If an authority applies for exemption to the Secretary of State in accordance with regulations, the Secretary of State may direct that the authority is not subject to the duty in section 2A.
- (2) The regulations may specify the cases or circumstances in which an authority may apply for exemption.
- (3) Regulations may make further provision about applications under subsection (1), and may in particular—
  - (a) require an application to be supported by specified information and by any further information that the Secretary of State requires the authority to provide;
  - (b) require an authority that is granted exemption to notify persons on the register kept under section 1.”

#### Commencement Information

- I3** [S. 11](#) in force at 31.10.2016 by [S.I. 2016/733](#), [reg. 5](#)

## 12 Further and consequential amendments

- (1) In the Schedule to the Self-build and Custom Housebuilding Act 2015 (registers under section 1), in paragraph 3 (eligibility)—
  - (a) after sub-paragraph (2) insert—
 

“(2A) Regulations relating to the matters set out in sub-paragraph (2) may provide for eligibility to be determined by reference to criteria set by a relevant authority.”;
  - (b) at the end insert—
 

“(4) The regulations may provide—

    - (a) that persons who fail to meet particular conditions of eligibility, but who meet the other conditions specified, must be entered on a separate part of the register;
    - (b) that the duty in section 2A does not apply in relation to such persons.”

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- (2) In paragraph 6 of that Schedule (fees)—
  - (a) in sub-paragraph (1), for “section 1” substitute “ sections 1 and 2A ”;
  - (b) in sub-paragraph (2)(b), after “fixing of fees by” insert “ the Secretary of State or ”;
  - (c) after sub-paragraph (2) insert—
    - “(3) The regulations may specify circumstances in which no fee is to be paid.”
- (3) In section 4(1) of that Act (regulations subject to affirmative resolution procedure)—
  - (a) in paragraph (b) omit “or”;
  - (b) after that paragraph insert—
    - “(ba) section 2A(3),
    - (bb) section 5(2), or”.
- (4) In section 4(2) of that Act (regulations subject to negative resolution procedure)—
  - (a) before paragraph (a) insert—
    - “(za) section 2B,”;
  - (b) in paragraph (a), for “section 5” substitute “ section 5(1) ”.

#### Commencement Information

**I4** [S. 12](#) in force at 13.7.2016 by [S.I. 2016/733](#), [reg. 3\(a\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)