

Barratt David Wilson Homes
Tollbar House, Tollbar Way
Hedge End
SO30 2UH

Date: 18th February 2025

Please ask for: Hannah Kersley

Tel: 01903 737856

Your Ref:

Our Ref: BE/125/24/AOO

Dear Ms Ballam,

Section 106 Town and Country Planning Act 1990 Application for Approval of Details to Satisfy an Obligation

Application to approve: Schedule 5, clause 1.1.1 (self build housing plot plan); Schedule 5, clause 1.1.3 (self build housing marketing plan); Schedule 5; clause 1.1.4 and 1.1.5 (phase specific self build housing marketing plan) in the Section 106 dated 07.09.21 (as amended) in relation to planning permission BE/148/20/OUT.

Nursery Fields Land to the North of Chalcraft Lane West Bersted PO21 5TS

Arun District Council hereby REFUSE the detail pursuant to S106 obligations for the following reasons.

This application seeks approval for the obligations related to Self-Build Housebuilding as required under Schedule 5, clause 1.1.1 (self build housing plot plan); Schedule 5, clause 1.1.3 (self build housing marketing plan); Schedule 5; clause 1.1.4 and 1.1.5 (phase specific self build housing marketing plan) in the Section 106 dated 07.09.21 (as amended) in relation to planning permission BE/148/20/OUT.

This relates to BE/37/24/DOV which sought a Deed of Variation to the Section 106 agreement dated 7th September 2021 linked to BE/148/20/OUT (APP/C3810/W/21/3275040) in order to amend schedule 2 (affordable housing) definitions and clauses 1.1, 1.6, 1.7, 2.1, 4.2 and 4.5, add schedule 6 (first homes) and replace schedule 5 (self-build housebuilding). This was approved by Members of the Planning Committee on the 18th December 2024.

Schedule 5 (Self-Build Housebuilding) Clauses (as amended by the Deed of Variation) now require the following:

Schedule 5, clause 1.1.1 (self build housing plot plan) requires that, prior to commencement of the development, to submit and have approved by the District Council the Self-Build Housing

Plot Plan and not to commence until the council has approved the same.

Clause 1.1.3 (self build housing marketing plan) requires that the owner shall provide the Self-Build House building plots (equal to no less than 5% (or 11 units)) of the residential units in the development.

Clause 1.1.4 requires that the owner shall submit a self-build Housing Marketing Plan to the District Council for its approval and must market the self-build housing plots for self build residential units in accordance with the approved self-build housebuilding marketing plan. For the avoidance of doubt, the approved self-build housebuilding marketing plan shall apply to all self-build housing plot(s) irrespective of its location/phase.

Clause 1.1.5 If, despite marketing in accordance with the approved self-build housebuilding marketing plan, the owner is unable to secure a transfer of any of the self-build housebuilding plots within 6 (six) months of commencing marketing of the plot in question or has not received a genuine offer to purchase a self-building housing plot within 6 (six) months of commencing marketing of the plot then those self-build housing plot(s) which have not been transferred within 6 (six) months of commencing marketing or within 5 (five) months of a genuine offer being received (whichever is the later) may, on receipt of written confirmation from the Council that all provisions in this Schedule have been duly complied with in relation to that self-build housing plot, be used for the construction of a Residential Unit and the provisions of this schedule shall not apply to that residential unit.

Self-Build Housing Plot Plan means a plan showing the general proposed location in the Development of the Self-Build Housebuilding Plot(s).

Self-Build Housebuilding Plot(s) means plot(s) within the development which collectively are of a sufficient land area to comprise not less than 5% (11 units) of the total residential units, the location of which is generally shown on the self-build housing plot plan and precisely shown on the relevant phase specific self-build housing plot plan

Self-Build Housebuilding Marketing Plan means a detailed marketing plan setting out how the Owner will market and make available the self-build housebuilding plot(s), to people on the self-build housebuilding register for the purposes of self-build housebuilding in accordance with the self-build and custom housebuilding act 2015 (as amended from time to time) and self build and custom housebuilding regulations 2016 (as amended from time to time) and which must include:

- 1) the proposed methods of marketing;
- 2) the way in which the land in question will be valued, by which independent valuers, and a commitment to ensure the offer price is reasonable and in line with open market value and standards;
- 3) the proposed marketing period (which must be no less than 6 (six) months, commencing no earlier than the date of Commencement of Phase 2 (as identified on the Phasing Plan));
- 4) monitoring and review provisions during the duration of the marketing period which may increase the reach of the marketing period which may increase the reach of the marketing to as many self-builders as possible;
- 5) confirmation of the requirements for the self-build residential units in terms of parking, the provision of services/utilities to be used, which shall clearly be set out in the marketing material; and

6) reporting procedure to the Council to provide periodic updates on the marketing exercise with provision of supporting evidence as may reasonably be required.

A Self Build Housing Plot Plan (Drawing: Site Layout - Self Build 221001/SL01 Rev K (dated 22/10/24)) has been submitted in respect of Clause 1.1.1. This drawing shows the proposed location of the 12 plots within the development site. These will be located at plot numbers 79-84 and 121-126. These details are acceptable in respect of this obligation.

12 No. Self-Build Housebuilding Plot(s) are proposed within the development. This exceeds the minimum 5% of the total Residential Units (up to 225) required on site, and therefore is acceptable. This meets the obligation for Clause 1.1.3.

A Self-Build Housing Marketing Plan has been submitted in respect of Clause 1.1.4 and 1.1.5. Within this Plan, it is explained that custom-build dwellings would be delivered by the master developer (in this case being Barrett David Wilson Homes). This is due to there being no clear definition or distinction between 'self-build' and 'custom build' housing within the Self-Build and Custom Housebuilding Act 2015. Rather these housebuilding options must be "where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals".

The applicant has interpreted the above as there being two options between self-build and custom-build; with the latter option being the route they wish to undertake. Custom-build as such would be delivered by the master developer, as opposed to self-build; and whilst plot purchasers (initial owners) should have primary input into the design, it would fall to Barratt David Wilson, as the master developer, to provide these homes with an external finish which accords with all relevant planning decision notices and conditions. Further reasoning to support this custom-build approach has been provided; including advantages in regard to there being less need for additional planning applications, better reception from the applicant audience, and coherence in height, footprint and external finishes with the surrounding development. It is stated that the plot buyer would still have input into the interior design of the dwelling, and would additionally have more certainty on procurement and product costs. This would also ensure no dwellings are left unbuilt or only partially delivered.

The Council dispute the above, as it undermines the purpose and intent in the delivery of self-build plots. By choosing to solely undertake these plots under a custom-build route by one master developer, it removes any option to prospective self-builders on the Self-Build Housebuilding Register to purchase a plot for the purpose of self-build; where they are able to design both the external and internal finishes. Within the S106 Deed of Variation, under Schedule 5 Definitions, Self-Build Residential Units is defined as 'Residential Units constructed or to be constructed by Self Builders'. Self Builders are subsequently defined as 'an individual, an association of individuals or persons working with or for individuals or associations of individuals who construct dwellings to be occupied as homes by those individuals and are registered on the Self-Build Housebuilding Register'. Construction, especially in this case, by one master developer would arguably be separate to the individual who would then occupy the homes, as their input into the construction would be limited, and contrary to the PPG advice on Self-build and custom housebuilding.

Paragraph 016 of the PPG states that 'in considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have

primary input into its final design and layout'.

Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing'.

The documents submitted with this application clearly indicates that the initial owner (in this case 'the individual' as mentioned above) would not have primary input into its final design and layout. Rather, they would only have primary input in the interior design, with minimal choice of the external design and internal layout. In addition to the contents of the Self build housing marketing plan included with the application, floor plans and elevations of three styles of self-build dwellings have been submitted, which shows the external and internal design would be predominantly controlled by the master developer. It is understood the owner would have the option to choose one of the three designs, and corresponding floor plans (three different choices for each floor). The Council do not dispute this as an option to be given to the owner when choosing between self-build or custom-build for the plots; but this should not constitute the only option for all of the self-build plots on the development site. This level of design input given to self-builders would only be of minor difference to the purchase of market stock elsewhere on the estate, with only a small increase in choice and customisation over off-plan housing (which is not accepted by the PPG).

Rather, in order to constitute a self-build dwelling, the self-builder should have full or at least primary input in all elements of the build, including the external and internal finishes.

The Council acknowledges there are practicality and feasibility concerns from the applicant, especially in regard to there potentially being other developers on site at the same time who would be working on each individual plot. However, this is not reason for the option of self-build on site to be wholly eradicated in place of custom-build by the same developer. Should a self-build plot(s) be marketed and not purchased, clause 1.1.5 is explicitly clear that there is not a requirement for that plot(s) to remain as a self-build, and can instead be used for the construction of a Residential Unit. As such, further reasoning from the applicant that the plots may remain unbuilt is not accepted.

Therefore, in line with Paragraph 016 of the PPG, the Council is not satisfied that the initial owner of the home would have primary input into the final design and layout. Subsequently, it is not considered the information supplied to meet the obligations set out in Schedule 5 are sufficient; as this would constitute no self-build housing on site, contrary to the wording and requirements of Schedule 5.

The information has been reviewed by Hannah Kersley, Senior Planning Officer, and has been found to be insufficient to discharge the obligation under Schedule 5 Clause 1.1.4 and 1.1.5.

The Council are not satisfied that the decision to undertake the self-build plots as solely custom-build by Barratt David Wilson Homes is sufficient to meet the requirements of Schedule 5.

The Council are willing to partake in further discussions with the applicant should they have additional information to share in relation to this matter in advance of a resubmission relating

to this S106 obligation.

If you have any queries please do not hesitate to contact the above case officer.

Yours sincerely

A handwritten signature in black ink, appearing to be 'NC' followed by a flourish and a period.

Neil Crowther
Group Head of Planning