

Self-Build and Custom Build Homes

Supplementary Planning Document

Consultation Draft

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Planning Policy

Inward Investment and Growth

Sedgemoor District Council

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1 Consultation Arrangements

What is the Self-Build and Custom Build Homes SPD?

- 1.1 The Self-Build and Custom Build Homes Supplementary Planning Document (SPD) will set out further guidance on the interpretation of self-build policies included in the Sedgemoor Local Plan (2011-2032). This includes Policy CO2: Infill Housing in the Countryside and Policy D9: Self-Build and Custom Build Homes. When adopted it will become a material consideration for planning decisions.

Who is the Consultation for?

- 1.2 We want to hear the views of our communities, developers and other stakeholders who have an interest in self-build and custom build development on the content of the SPD.

Duration of the Consultation

- 1.3 The consultation will run for a six-week period, from **31 March to 11:59pm 12 May 2021**.

How do I respond?

- 1.4 Comments must be made in writing. You can respond:

- **Online**, by going to our consultation portal website: <https://sedgemoor-consult.objective.co.uk/kse>
- **By email**, to the following address: ldf@sedgemoor.gov.uk
- **By post**, to the following address:

Self-Build and Custom Build SPD
Planning Policy - Strategy and Development
Sedgemoor District Council
Bridgwater House
King Square
Bridgwater
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TA6 3AR

- 1.5 When responding please reference relevant page/paragraph numbers as appropriate. Please note that your name and comments will become public as part of the consultation process (published on the consultation portal), however personal information (such as your address or email) will remain confidential. We are unable to accept anonymous responses. Your details will be kept secure in line with our privacy notice (<https://www.sedgemoor.gov.uk/privacy>).

2 Introduction

- 2.1 Self-build and custom build development is where a person is more directly involved in organising and constructing their home. Sedgemoor is committed to facilitating those wishing to build their own homes and unlocking the potential of the custom build industry; recognising the potential contribution that can be made to meeting future housing needs.
- 2.2 Enabling self and custom building provides an important opportunity to bring more choice to the housing market, enable people to design and build homes that meet their specific needs, and encourage good design and sustainable construction. It has a range of potential advantages that means it can complement traditional mainstream developer models, such as potentially lower development costs, increased housing choice, more diversity of supply, and more use of local suppliers/trades.
- 2.3 This document sets out guidance on the Council’s approach to self-build and custom building following the adoption of the Sedgemoor Local Plan (2011-2032) in February 2019. The new Local Plan provides a number of key policies which provide a policy framework to enable self-build and custom build, in particular Policy CO2: Infill Housing in the Countryside and Policy D9: Self-build and Custom Build Homes. This marks quite a different policy approach to those in the previous Development Plan (e.g. the Core Strategy), particularly in terms of more enabling policies for appropriate development in the more rural areas of the district. This guidance note therefore seeks to provide further information and clarity on interpreting the adopted policy requirements, in particular to guide both pre-application discussions and the determination of planning applications.

3 What is Self and Custom Build

- 3.1 The terms self-build and custom build are often used interchangeably but for the purposes of planning policy they share the same definition. Custom build is usually where a person commissions a specialist developer or contractor to help deliver their own home, whilst self-build is where a person tends to be more directly involved in organising and constructing their home. For the purpose of this guidance both approaches will simply be referred to as ‘self-build’. To meet the definition both routes require primary input from the occupant into the design and layout of the dwelling. For the Local Plan and this document, the Council adopts the definition as set out in the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). This is summarised below:

“Self-build and custom housebuilding” means the building or completion by individuals, associations of individual, or persons working with or for them, of houses to be occupied as homes by those individuals. 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.

In interpreting the definition above the act also sets out that:

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

- 3.2 Where in the spectrum between self-build and custom build a particular development falls is therefore not important for planning purposes. The key considerations are that it is to be occupied by that person as their sole or main residence and that they have had primary input into its final design and layout (as opposed to purchasing a property “off plan”). For example where a plot with full planning permission for a dwelling is sold to a customer and built out under contract by the original plot owner, with no reasonable option for the customer to freely plan and design their own building, the development would not be considered self-build or custom build for planning purposes. Neither would it benefit from Community Infrastructure Levy (CIL) exemption. Similarly many of the “self-finish” models of delivery, where the dwelling is not built or commissioned by the occupant and they only have control over how the interior of the building is finished (e.g. kitchen and bathroom fitting), are also unlikely to meet the legal definition as set out in the Act.

4 Demand and Supply of Self-Build and Custom Build

The Self-Build Register

- 4.1 The Self-Build and Custom Housebuilding Act 2015, Housing and Planning Act 2016 and associated Regulations have introduced a number of mechanisms to ensure the planning system contributes to meeting identified self-build demand, recognising that the availability of land is one of a number of constraints that can prevent schemes from coming forward. Since 1st April 2016 there has been a requirement for relevant authorities to keep and maintain a register of those who are interested in building or commissioning their own home. There is a general duty for each authority to have regard to the register when carrying out their planning, housing, land disposal and regeneration functions.
- 4.2 Sedgemoor’s register is separated into two parts, ‘Part 1’ and ‘Part 2’, as allowed by the legislation and set out in National Planning Practice Guidance (NPPG). Part 1 of the register includes those individuals that can demonstrate a connection to the district (e.g. live or are employed in Sedgemoor or have a family member living in the district).
- 4.3 As well as the wider duty, the Council have a specific duty to grant suitable development permissions in respect of enough serviced plots of land to meet the demand on Part 1 of the register. In terms of meeting this a permission is considered “suitable” if it is permission in respect of development that could include self-build and custom housebuilding. A “serviced plot” 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 period before the development permission expires.
- 4.4 Permission should be granted for sufficient suitable plots within 3 years of the end of the relevant base period on the register. For example (with reference to base period 1 of the table below) 37 plots needed to be granted in Sedgemoor by 30th October 2019 to satisfy the duty for this base period. It is important to highlight that the duty relates to granting sufficient permissions in the district based on overall numbers on Part 1 on the register, the duty does not relate to any specific individual or their preferences. For example, inclusion on the register does not give a particular individual the right to build on a serviced plot in particular location of their choosing. Through the planning process other planning considerations need to be taken into account when making decisions on whether plots in particular locations are suitable, sustainable, and consistent with relevant Local Plan policies. Demand on the register up to the end of the last base period is set out below for information.

Base Period	Part 1 of Register – Number of Individuals Registered	Part 2 of the Register – Number of Individuals Registered	Total on Register (both Part 1 and 2)
Base Period 1 (30th March – 30th October 2016)	37	0	37
Base Period 2 (31st October – 30th October 2017)	35	2	37
Base Period 3 (31st October – 30th October 2018)	37	16	53
Base Period 4 (31st October – 30th October 2019)	52	8	60
Base Period 5 (31st October – 30th October 2020)	58	15	73
TOTAL	219	41	260

- 4.5 As part of the Local Plan examination the nature of demand on the register was considering in detail, including consideration of preferences such as location, type of project and plot/property type that were being sought. At the time this indicated a pattern of relatively high demand to take schemes forward across the district's more rural tier 1 to 4 settlements, with more modest demand in the larger towns by comparison. There was relatively high demand for plots within or adjacent villages, or in other countryside locations.
- 4.6 This pattern of demand has continued in subsequent base periods. The evidence from the register to date therefore indicates individuals are seeking plots in the more rural areas of the district, with a particular preference for building on smaller or single self-build plots, as opposed to being part of a wider housing development. The nature of demand has therefore informed the policy approach set out in Local Plan policies CO2 and D9. The policy team can be contacted for the most up-to-date information on the nature of demand at specific locations.

Supply of Suitable Plots

- 4.7 The legislation does not specify how suitable permissions are to be recorded. However the NPPG provides examples of how this can be done, including where developers have identified self-build or custom build plots, where the planning application references self-build or custom build, and where a self-build CIL exemption has been granted for a particular development. Sedgemoor is a CIL charging authority and therefore the monitoring of self-build CIL exemptions has been a reliable source for monitoring self-build plots that have been granted.
- 4.8 From when the register first came into force up to the end of the last base period (30th October 2020) the Council have identified 283 plots that have been granted for self-build dwellings. This is larger than the total number of individuals on the register and reflects that many applicants continue to deliver self-build or custom build dwellings without necessarily first joining Sedgemoor’s self-build register.

5 Policy Overview

- 5.1 The overarching Local Plan policy approach in relation to self-build and custom housebuilding is to provide an enabling framework that allows suitable plots to come forward in the areas of the district that are attractive to self-builders based on demand on the register. The policies in particular provide more flexibility for self/custom build outside of settlement boundaries, seeking to address a key constraint of self-building in terms of the availability of land. At the same time there is a need to take into account key planning considerations to ensure development is sustainable, and the pattern of development is consistent with the Local Plan's Spatial Strategy.
- 5.2 The following sections will consider and provide further guidance in relation to Policy D9 first, before moving onto giving consideration to infill in the Countryside under Policy CO2. This guidance does not go through all policy criteria, instead focusing on specific criteria where it is considered further guidance is useful in terms of policy interpretation. This is not to suggest the other criteria in the policies have less weight than those discussed in this guidance, it is just that the criteria discussed below are where the Council consider further guidance is useful. This document should therefore be read alongside the full policy wording in the Local Plan.

6 Policy D9 – Provision on Allocated Site

6.1 Policy D9 sets out the following in terms of provision on allocated site.

The Council will support those wishing to build their own home to help meet the district's overall housing need. On land allocated for housing development the Council will encourage appropriate self-build provision and discuss with applicants through the development management process the potential for delivery of an appropriate number of dwelling plots for sale to self or custom builders. This should take into account the need identified in the area on the Local Planning Authority's Self Build and Custom Build Register (Part 1). Appropriate plot numbers will be considered on a site-by-site basis having regard to the Register and any site-specific viability or practical issues that may affect delivery of the allocation. Plots should be made available and offered at competitive rates, these rates should be fairly related to the particular site and plot costs. Where there is evidence that plots have been marketed at competitive rates for an agreed period without interest from self builders, those plots may revert to housing delivery through conventional means.

6.2 The NPPG sets out that Council's should engage with landowners that own sites that are suitable for housing and encourage them to consider self-build and custom housebuilding. This is therefore reflected in the first part of policy D9 in terms of encouraging consideration of self-build and custom build as part of the wider housing mix on allocated sites.

6.3 Through the examination of the Local Plan the Inspector specifically modified this section of Policy D9 to increase flexibility and ensure that the policy does not lead to a delay in development on allocated sites (there is, for example, no specific % requirement for serviced self-build plots). This reflects the continued need to boost the supply of conventional market and affordable housing consistent with national policy; as well as some of the practical and viability issues that can sometimes emerge when bringing forward self-build alongside conventional housebuilding. Nevertheless, there are likely to be instances where a number of self-build plots can be delivered on allocated sites without resulting in wider deliverability issues, with self-build therefore complimenting the wider housing mix on the site. The Council will therefore encourage this through the pre-application process with reference to the demand on the self-build register.

7 Policy D9 – Small-scale self-build at identified rural settlements

- 7.1 Provided certain criteria are met, policy D9 sets out support at the identified rural settlements (Tier 1 to 4) for sites for 100% small-scale (9 or fewer homes) self-build and custom build schemes that are outside but well related to the settlement boundary. This part of the policy is set out below for reference.

At the identified rural settlements (Tier 1 to 4) sites for 100% small-scale (9 or fewer homes) self build and custom build schemes that are outside but well related to the settlement boundary will be supported. In the Countryside 100% self build and custom build infill development (4 or fewer) which meets the requirements of Policy CO2: 'Infill Housing in the Countryside' will also be supported. Such proposals will only be supported where the following criteria are met:

- The scale and nature of the development is appropriate to the size, accessibility, character and identity of the existing community; and
- There is evidence of local need for plots on the Council's Self Build and Custom Build Register (Part 1); and
- Other than for sites well related to Tier 1 and 2 settlements, future occupants identified on the register must be able to demonstrate an appropriate local connection to the settlement or Parish; and
- That for Full or Reserved Matters applications, the applicant must be the future occupier of the unit; and
- There is evidence of the future occupiers being fully involved in the planning and design process from an early stage; and
- The proposal is of high quality design and complements the existing built form of the settlement, providing opportunities for walking and cycling to local services and facilities; and.
- The proposal contributes to meeting relevant Placemaking objectives for the settlement.

Meaningful and robust consultation with the Parish Council, local community and other stakeholders will be encouraged.

Where based on the above criteria permission is granted outside of settlement boundaries for self build schemes that are subsequently not implemented, then conventional market led proposals will not be considered acceptable in their place.

- 7.2 A number of the criteria in the policy are self-explanatory or are considerations that agents, developers and officers will be familiar with when interpreting criteria-based policies. However, some aspects of the policy would benefit from further guidance, either because they are specific to the issue of self-build and custom build, or further explanation will help in ensuring consistency in how policy wording is interpreted.

Whether a site is 'well related'

- 7.3 The Local Plan Policies Map shows settlement boundaries for the identified settlements. These define the existing built up area of the settlement with the aim of assisting with interpreting policy wording. The Local Plan (paragraph 4.18) sets out that:

“Whether sites are appropriately well related will be judged on a case by case basis. However sites will generally be considered to be well related where they integrate will with the existing build form of the settlement (e.g. not visually detached or isolated) and where local services in the settlement are within an easy and safe walking distance.”

- 7.4 There are not considered to be any rigid criteria that can be used to adequately define a well related site which can cover all potential circumstances. However, in coming to a judgement it is clear that both the physical and functional relationship of a site to the settlement are important considerations. For example, there can be instances where a site may be directly adjoining the settlement boundary and existing built development, but because of particularly circumstances is actually quite poorly related in terms of function, such as the ability/distance involved in walking to local facilities. Conversely a site may have existing pavements or lightly trafficked routes, allowing easy access to local facilities, but be of an inappropriate scale or be visually or physically detached from the existing built form of the settlement.
- 7.5 Both physical and functional relationships should therefore be reasonably satisfied, taking into account any particular site-specific considerations or sensitivities. For example, where a site impacts on prominent public views or are at a settlement with a particular distinctive local character and settlement pattern, then the expectations in terms of physical relationship and visual impact are likely to be different compared to less sensitive locations.

Evidence of a local need for plots

- 7.6 The policy is based on the principle of permitting development outside the defined settlement boundaries exceptionally for only self-build and custom build. It is therefore important at the application stage that there is evidence of a local demand for plots at that location.
- 7.7 This is simpler for full or reserved matters applications, as the occupant (i.e. self-builder) will be known in these circumstances. However for landowners looking to secure outline permission for sites to be sold as serviced plots to self-builders (i.e. not undertaking a self-build themselves) there must also be evidence of a local need for plots sufficient to justify the number of plots for which outline permission is being sought. The policy makes it clear that this will be based on the Council’s self-build register (Part 1). At tier 3 and 4 settlements the Council must also be satisfied that the demand on the register is from those with a local connection to the settlement or parish (discussed further below). Whilst headline data on the register is reported after each base period the level of demand can change regularly as new people apply to join the register and as new plots are granted permission. We therefore recommend that the policy team are contacted for up-to-date information on residual demand at specific locations.
- 7.8 The register includes the option of persons interested in self-building to be put in contact with any relevant landowners (or their agents) interested in making their land available for self-build. We would therefore recommend landowners and their agents engage at an early stage as we can facilitate contact between self-builder and

landowners. This can then inform the scale and nature of schemes based on the specific requirements of future occupants.

Local Connection requirements in Tier 3 and 4 Settlements and the Countryside

- 7.9 The spatial strategy for the Local Plan (Policy S2) sets out that at the smaller settlements the focus will be on delivering development that fulfils identified local housing need. To ensure consistency with the overall spatial strategy Policy D9 therefore requires self-builders taking forward proposals at these locations to have an appropriate local connection to the settlement or Parish. This local connection test only applies to the occupant identified on Part 1 of the self-build register (i.e. it doesn't need to be demonstrated for all other members of the same household). An occupant will be considered to satisfy local connection requirements if they meet one of the following criteria:
- Are currently a resident in the settlement or parish and have lived there for the previous 2 years; or
 - Have previously been a resident in the settlement or parish for at least 2 years during the past 5 years; or
 - Are currently permanently employed in the settlement or parish and have worked here for the previous 2 years (minimum of 16 hours per week); or
 - Have an immediate family member who has lived in the settlement or parish for the past 5 years (immediate family means a grandparent, parent, child or sibling).
- 7.10 These local connection criteria broadly align with those used in relation to affordable housing exception sites in rural areas. As part of the consultation on the SPD we would however be keen to hear views on the local connection criteria and whether any other considerations should be taken into account.
- 7.11 Exceptions with regard to local connection will be made for anyone who is in the service of the regular armed forces or has recently served in the armed forces. This recognises that as members of the armed forces they are likely to be particularly disadvantaged by local connection requirements.
- 7.12 Whilst not a prerequisite for inclusion of Part 1 of the self-build register, people applying to be on the register are given the opportunity to also set out information on any local connection they have to the specific settlements or parishes where they are interested in building. This can be useful when considering any subsequent outline applications progressed by landowners, in terms of understanding the expected demand on part 1 of the register from those who are likely to have a local connection.
- 7.13 For full or reserved matters applications, where detailed matters are being agreed and the site is therefore being progressed by the future occupant, the Council will expect the planning submission to clearly set out how the local connection requirements of the policy are satisfied. Where necessary the Council will request evidence/proof of a local connection to the settlement or Parish to be submitted where it cannot be sufficiently established through the information provided for entry onto the self-build register.

Ensuring Genuine Self-Build or Custom Build

- 7.14 Two of the bullet point criteria in Policy D9 are focused on ensuring development is taken forward as genuine self-build or custom build development, as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended). This is important given that the policy is exceptionally for self-build and custom housebuilding development. For the avoidance of doubt the policy clearly sets out that where self-build schemes are granted but not subsequently implemented, then conventional market led proposals will not be considered acceptable in their place. The relevant criteria in Policy D9 are:
- That for Full or Reserved Matters applications, the applicant must be the future occupant of the unit; and
 - There is evidence of the future occupiers being fully involved in the planning and design process from an early stage.
- 7.15 The act is clear that the definition does not include acquiring a plot from a person and building a house wholly or mainly to plans or specifications decided or offered by that person (e.g. buying an unbuilt house 'off-plan'). The criteria set out in Policy D9 therefore seeks to ensure that the self-builder (who to meet the definition should be identifiable at the full or reserved matters stage) has had primary input into the design and layout of the dwelling which they will be occupying. This will be an aspect that the Council will scrutinise when detailed matters are being agreed, in particular being wary of situations where an existing landowner seeks to agree full details of dwelling(s), with the intention of selling the plots on the basis of the detailed planning consent being implemented. Such a situation would not be considered to be self-build or custom housebuilding, unless the landowner intended to occupy the dwelling as their sole or main residence (rather than selling the land).
- 7.16 It should be highlighted that the landowner agreeing (and implementing) site wide enabling works, such as access arrangement and utilities, to allow the plots to come forward and be marketed as 'serviced' plots would however be considered acceptable. The key issue is that the subsequent self-builder has autonomy over the design of the dwelling that they intend to build and subsequently occupy.
- 7.17 To ensure that policy D9 requirements are realised, consents for development that are exceptionally allowed on the basis of delivering self-build and custom build will have requirements to ensure that they are planned, built and first occupied in accordance with the statutory definition of 'self-build and custom housebuilding' as defined in the act. This will be secured to through either condition or Section 106 agreement.

8 Policy CO2 – Infill Housing in the Countryside

- 8.1 In addition to enabling self-build at the identified settlements, policy CO2 (in conjunction with policy D9) also exceptionally supports small scale residential infill development (four or fewer dwellings) within the small villages and hamlets located in the Countryside. This is a change of approach to accord with the NPPF and is different from the previous Core Strategy, which had more of a blanket policy restricting small scale development in the Countryside. Given it is a new approach it is therefore considered useful to provide additional guidance to assist with policy interpretation.
- 8.2 It is important to flag that policy CO2 is in the context of the spatial strategy and the overarching Countryside Policy (CO1), which seek to appropriately control development in the Countryside given the environmental/landscape constraints, very limited local services, and fewer opportunities for sustainable transport. Settlement boundaries were therefore not specifically identified for these smaller villages and hamlets given that they are generally not considered to be sustainable locations for growth. CO2 is therefore very much focused on modest infilling by exception where this is justified based on local self-build demand. More substantial housing development in the Countryside would not be considered to be consistent with the Local Plan and would lead to unsustainable patterns of development. Policy CO2 is set out below for reference.

Policy CO2

Infill Housing in the Countryside

In the countryside, where a small village or hamlet has a clearly defined nucleus of existing dwellings, small scale residential infill and redevelopment (four or fewer dwellings) will be exceptionally supported only if all the following criteria are met:

- The development is a self-build or Custom Build project and meets the requirements of Policy D9;
- It amounts to infilling of the existing main built up area of the settlement;
- The development maintains or enhances sustainable patterns of development. Development which physically extends the built form of the settlement into open countryside will not normally be supported;
- The scale and nature of the development is appropriate to the size, accessibility, character and identity of the existing community;
- The development is in accordance with Policy D19: Landscape, respects the qualities of the local landscape, and is sympathetic to its character and visual quality.

To maintain or enhance the vitality of rural communities it will normally be expected that any proposals contribute to supporting existing services and, where appropriate, promote new community infrastructure. Development should improve walking and cycling to local services and facilities where there are opportunities.

Meaningful and robust consultation with the Parish Council, local community and other local stakeholders will be encouraged.

Isolated new homes in the countryside will be resisted unless the special circumstances set out in the NPPF and Policies D10: Rural Workers Dwellings and D11: Replacement Dwellings in the Countryside are met.

- 8.3 Apart from the need for a site to be well related to an identified settlement, all the guidance previously set out in relation to Policy D9 (e.g. evidence of local need, local connection, and that it is genuine self-build or custom build) equally applies to infill housing in the countryside. However, in the absence of settlement boundaries, Policy CO2 raises further key considerations around interpreting the existing pattern of development and what constitutes acceptable infilling. To ensure a consistent approach further guidance on this is set out below.

Where in the Countryside is infilling likely to be acceptable?

- 8.4 The policy sets out the infilling only applies to small villages/hamlets where there is a clearly defined nucleus of existing dwellings. Supporting text in the Local Plan further sets out that the existing built up area should be ‘tightly knit’ and be of a reasonable scale (typically at least 10 existing dwellings).
- 8.5 In terms of scale, the 10 dwellings will therefore be used as an important guide as to what scale of existing development is necessary for the policy to apply. Situations where existing development is fewer than 10 dwelling are therefore unlikely to be judged to be of a scale suitable for infilling. The potential exception to this is for example where there is substantial existing non-residential development present which also contributes to the extent of the main built up area, alongside the existing residential properties.
- 8.6 In terms of pattern of existing development the policy wording and supporting text indicate that there is a clear expectation that to be acceptable for infilling there should be a clearly defined nucleus and that infilling can only be of the ‘main built up area’. Infill by its nature is filling in a small gap within an otherwise built frontage, or group of houses. By its nature therefore loose groupings of houses (with large gaps between the dwellings) and settlements with a dispersed pattern of development will not be considered appropriate for infilling. Some examples of different settlement patterns are provided below.



Figure 1 - The example above is of a more nucleated settlement pattern with a clearly defined main built up area and a substantial number of existing dwellings. Such villages or hamlets will be candidates for infill development where suitable opportunities exist.

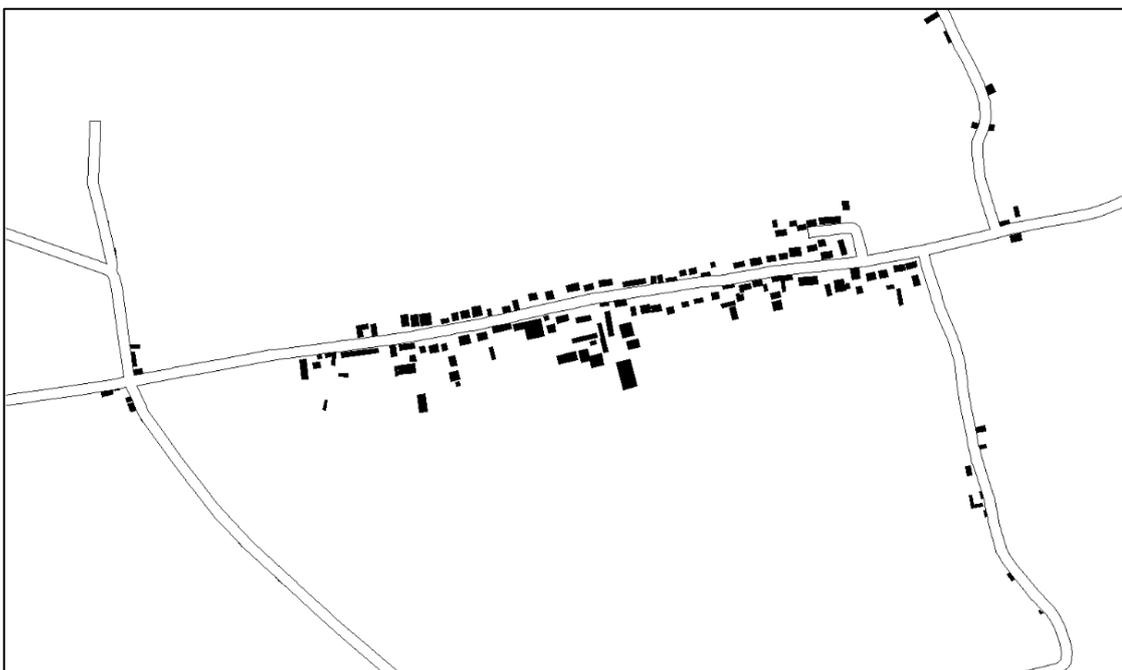


Figure 2 - Linear settlement patterns, which follow a particular feature (road, river or other physical feature) will also be candidates for potential infill development, provided that the built form is relatively tightly knit and there is still a clear main built up area.



Figure 3 - The example above shows a more dispersed pattern of development, with individual buildings and small clusters of dwellings spread out over a relatively wide area. Existing development is not closely knit and there is no main built up area to the settlement. Furthermore, there is no way to define a built up compared to open countryside and where such a transition occurs. Such locations would not be considered appropriate for infill development.

What constitutes infill development?

- 8.7 As set out in Policy CO2 infilling can only be undertaken to the main built up area of the village/hamlet. For avoidance of doubt the policy confirms that development which physically extends the built form of the settlement into open countryside will not normally be supported. This will be the key judgement that will be made when coming to a conclusion of whether a proposal amounts to infill development. ‘Open countryside’ is considered to be the area beyond the main built up area of a settlement which is either undeveloped, or there is no longer any clear shape or form to the built environment. The open countryside is therefore predominantly undeveloped but may include scattered small groups of dwellings or other isolated buildings. Outlying properties, that are separated from the main built area, are therefore considered to be open countryside.
- 8.8 In this context infilling of the main built up area amounts to development of a small gap in an otherwise built up street frontage. The layout and density of the development should be in character with and similar to others on the frontage. In the case of more nucleated settlement patterns, where there is some depth to the pattern of development back from the main street frontages, infilling can also potentially be undertaken in gaps between existing groups of dwellings behind the main frontages. In such instance the advice below on ‘backland’ development may be relevant.

- 8.9 Based on the above there is therefore an expectation that for a site to be ‘infill’ then it must be between existing built up development. Normally, and particularly for linear settlements, this does not include any development on the opposite side of the road frontage. For example, in the case of a linear settlement, a proposal which sought simply to add on to the end of an existing row of houses would not be considered infill development, and would be clearly extending the built form of the settlement into open countryside. Cumulatively such development can lead to unintended ribbon development in the countryside and would not be considered to maintain or enhance sustainable patterns of development as required by the policy criteria.



Figure 4 - The two dwellings proposed (shown in green) have existing built development on either side. They are consistent with the existing settlement pattern in terms of being sited near the road frontage and are of a similar density and scale. Such examples would be considered to be suitable infill opportunities.

How large or small can the infill gap be?

- 8.10 The first paragraph of policy CO2 supports infill development or up to 4 dwellings provided there is local demand. However in coming to a view on whether a site is an appropriate infill plot, and what number of dwellings it could accommodate, it is important to take into account the other criteria in policy CO2; in particular that the scale and nature of the development is appropriate to the size, accessibility, character, and identity of the existing community. Policy D2 in the Local Plan (Promoting High Quality and Inclusive Design) will also be an important consideration.
- 8.11 For example if the existing settlement is a particularly small hamlet, which only just meets the 10 dwellings threshold in terms of existing development, then a 4 dwellings infill plot may still be judged to be of an inappropriate scale in the context of the character of that existing settlement. In such an example 4 dwellings would be significant addition to what is a very modest sized hamlet. Furthermore, the gap, whilst still only being 4 dwellings wide, may be important to the character and setting

of a very small settlement given this context. Ultimately each case will be judged on its own merits, however the 4 or fewer dwellings indicated in the policy wording should be viewed as an 'up to' figure, taking into account the other policy criteria in CO2 and the Local Plan as a whole.

- 8.12 The infill gap should also be judged consistently with the prevailing settlement pattern and density of surrounding development. Proposal should be set in plots of broadly similar width to the prevailing pattern of existing residential development in the area. For example a gap suitable for infill development of 4 dwellings is likely to be larger where the existing houses are low density detached properties, and smaller where the existing houses are of a higher density (e.g. terraced or semi-detached houses). The Council will not look favourably upon proposals which look to justify infilling large gaps by proposing large detached properties set in large plots, when the prevailing pattern of existing development is very different in terms of scale and density (e.g. high density terraced or semi-detached properties). In such instances the gap wouldn't be judged to be an infill opportunity based on the prevailing pattern and character of development. On the other hand proposals to infill very small gaps where the prevailing pattern of development is more spacious/low density properties are also likely to lead to cramped over development, which would also be out of character and unlikely to meet the policy criteria.

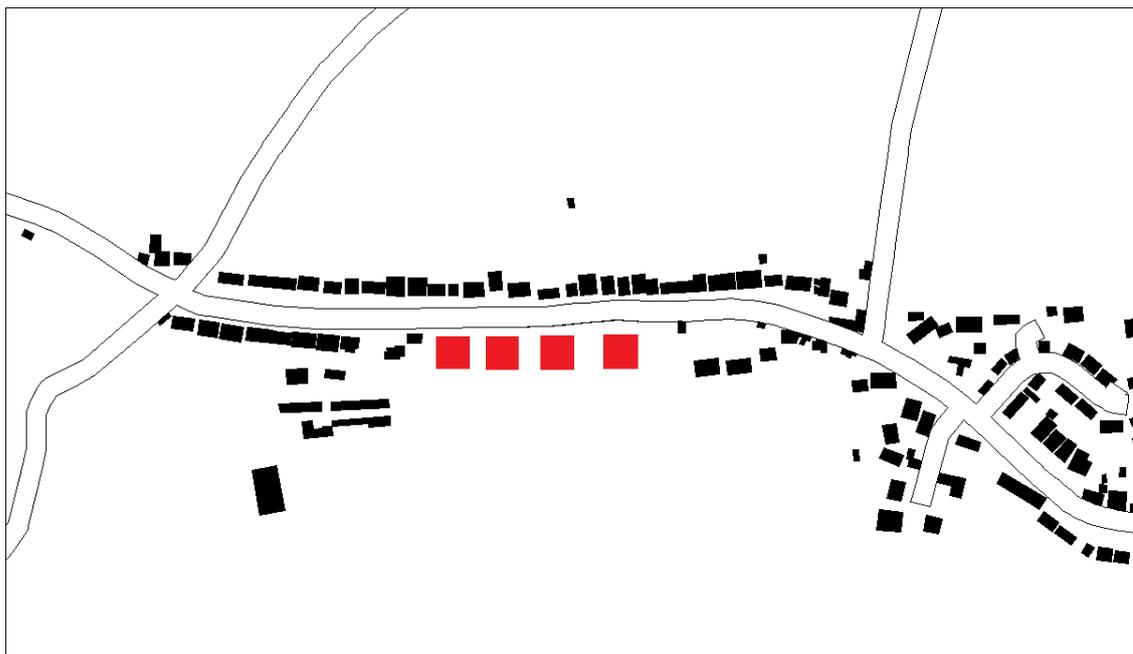


Figure 5 - In the example above 4 dwellings are proposed in a large gap on the south side of the settlement. In order to occupy the gap the dwellings are however significantly larger in scale when compared to the prevailing pattern of existing development, which is higher density. In this instance the gap would not be considered to be suitable infill opportunity.

- 8.13 There may be situations where a proposal is seeking to partially develop an infill gap. An example would be where there is space for two dwellings but only one dwelling is proposed, with the remainder of the infill gap being left undeveloped in the short term. Such proposals may be considered acceptable where it is demonstrated there is a reasonable prospect that the remainder of the infill plot will be available for

development in the future, that delivery of the remaining plot(s) in the future would be consistent with policy, and the register indicates a residual self-build demand at that location consistent with the number of plots that would be delivered from development of the whole infill gap.

Backland development

- 8.14 Backland development is a specific type of infill development which is generally understood to refer to development of land that lies to the rear of an existing building line of properties fronting the highway. Such land is often comprised of existing structures and uses associated with the properties fronting the highway, such as clusters of rear garages, or large back gardens.
- 8.15 Some backland sites are capable of being considered for potential infill development, particularly at locations with more nucleated settlement patterns where there are likely to be more opportunities for this form of infill without extending the built form of the settlement into open countryside. Backland development is however not without its problems and challenges and these need careful consideration. Each proposal will be considered on its own individual merits. The intention of this section is not to produce an exhaustive list of criteria in relation to when backland development may or may not be appropriate. However, applicants and agents should be aware of the potential challenges of development on such sites and manage expectations accordingly. Such challenges can include:
- **Effect upon the form and character of the settlement** – In some circumstances backland development can run contrary to the prevailing settlement pattern and its character. In some instances, and particularly in sensitive locations, this can be sufficient to warrant an objection. For example for linear settlement patterns, where there is only road frontage development, backland development may be out of character and in any case often not be considered infill due to extending the built form of development into open countryside. In other instances, particularly if the potential plot is too small, it can lead to a cramped form of development which may be out of character compared to existing patterns and densities.
 - **Loss of Privacy and Overlooking** – Backland plots are often surrounded by existing residential properties which can lead to particular problems of loss of privacy and overlooking in relation to both existing and proposed properties, particularly where upper floors are proposed. Plot size/depth is often a critical consideration and to avoid problems associated with residential amenity often larger than average plots sizes are required where backland developments are proposed. This can also help to ensure the appropriate retention/provision of private amenity space (e.g. rear gardens).
 - **Overbearing and overshadowing** – Proposed backland developments can often lead to particular issues of overbearing and overshadowing as a result of the constraints of a site and the proximity and scale of proposed buildings to adjoining properties. This should be considered at an early stage and reflected in the scale and orientation of buildings on a site. To prevent these issues it may be necessary in some instances to limit developments to 1 storey in height.

- **Access issues** – Backland development proposals can often result in vehicular access passing in close proximity to existing dwellings (e.g. between dwellings on an existing road frontage). Depending on the proposal this can often lead to particular issues over loss of privacy, noise and disturbance which need to be carefully considered. Vehicular turning, circulation areas and parking will also need to be considered to ensure no unacceptable impacts in relation to the highway.
- **Aspect** – Backland development sites often have to deal with a number of ‘dead frontages’, such as blank fences and walls. It is therefore important that site design takes this into account and responds to this positively in terms of maximising an active environment and nature surveillance of the public areas.

Rounding off

- 8.16 Whilst not specifically referred to in the policy wording for CO2, in some instance rounding off of settlements in the countryside will be capable of meeting the criteria for infill development. Rounding off is a type of development which whilst not always specifically between a built-up road frontage, is nevertheless consolidating the existing settlement pattern within its logical extent.
- 8.17 Rounding off of a settlement through development has the potential to be considered under Policy CO2 provided the relevant policy criteria are still met and rounding off is consistent with the existing pattern of development. In particular development which physically extends the built form into open countryside will not be supported. Rounding off is only usually relevant to more nucleated settlement patterns where there may be gaps at the periphery of the settlements, and which if developed, would still site comfortably within the existing settlement’s built extent.
- 8.18 Rounding off is rarely relevant to settlements with a linear settlement pattern. For linear settlement patterns it is often incorrectly used to try and justify what is in reality just an extension to the existing linear form of development (i.e. not infill). Rounding off is not intended to facilitate incremental growth and development resulting in the creation of a further site for rounding off is unlikely to be rounding off in itself.
- 8.19 To be considered rounding off proposals should be adjacent to existing development. Suitable sites are also likely to need to be surrounded on at least two sides by existing built development. A judgement as to whether a proposal is considered acceptable will be made on a case by case basis, taking into account its impact on the character and setting of the settlement and whether the site has the appearance of being within the physical extent of the settlement. The presence of definite boundaries that enclose the site, landscape features, topography and the history and nature of the land and existing uses will all be important considerations.



Figure 6 - The above example shows a reasonably nucleated settlement pattern and the plot in the south west corner (green) represents a likely rounding off opportunity. The plot has built development on at least 2 sides and is unlikely to be considered to be extending the built form of the settlement into open countryside.

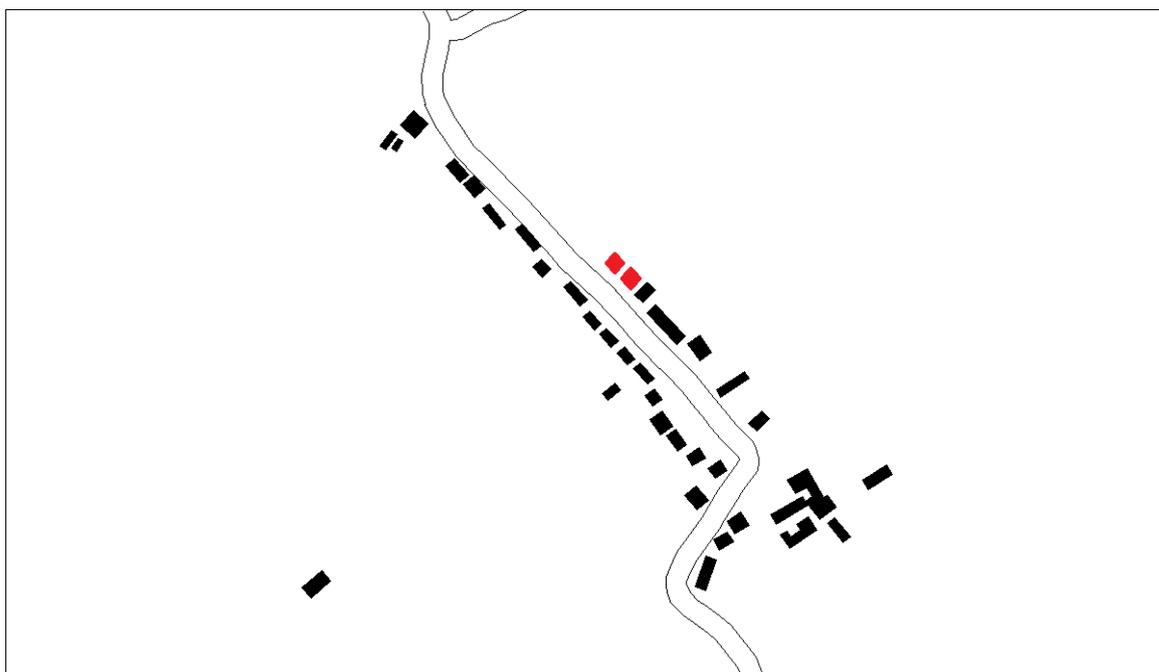


Figure 7 - The above shows a proposal for 2 dwellings (in red) at a linear settlement with existing development on the opposite side of the road. There is only existing built development on one side of the plot. The proposal would not be considered to be 'rounding off' of the settlement. It is not infill development and would likely be judged to be extending the built form the settlement into open countryside.

9 Other Considerations

Affordable Housing and self-build developments

- 9.1 Like all forms of housebuilding self-build development is subject to relevant policies in the Local Plan in relation to affordable housing. Policy D6 in the Local Plan sets out affordable housing targets and thresholds relevant to the district. These thresholds should be read alongside the updated NPPF (para 63) which clarifies that, other than in designated rural areas, provision for affordable housing should not be sought for residential developments that are not major developments (major development is defined for residential as 10 or more homes, or a site area of 0.5 hectares or more). With this in mind the relevant thresholds for which affordable housing will be sought are set out below:

Locations	Threshold for seeking Affordable Housing
Bridgwater, Burnham and Highbridge, Cheddar, North Petherton	10 or more units, or site area of 0.5 hectares or more
Rest of District (Designated Rural Areas)	6 units of more

Site Typology and Total dwellings (net)	% of total number of new units to be affordable
Brownfield: 6-9 dwellings	15%
Greenfield: 6-9 dwellings	20%
Brownfield: 10 and above (or over 0.5 hectares)	15%
Greenfield: 10 and above (or over 0.5 hectares)	30%

- 9.2 Infill self-build proposals in the Countryside considered under Policy CO2 will always be 4 or fewer dwellings to be compliant with the policy. There will therefore not be any instances where affordable housing will be sought.

- 9.3 Policy D9 does however consider a threshold of 9 or fewer self-build well related to identified settlements boundaries. For self-build proposals between 6 and 9 affordable housing will therefore be sought where they fall within designated rural areas. This includes all Tier 2, 3 and 4 settlements in the settlement hierarchy.
- 9.4 Prior to updates in 2019, the NPPG previously set out that where the lower threshold is applied then affordable housing contributions should be through a commuted sum. The recent changes to the NPPG are now silent on this meaning there is flexibility around how provision is delivered. Where the demand for self-build at the location does not include anyone who also falls within affordable housing need, then a commuted sum for offsite provision will be the most logical approach. In such instances agreements for off-site provision should be financially neutral in terms of the benefit to the applicant compared to on-site provision requirements.
- 9.5 Where the self-build demand used to justify the site includes person(s) who also fall within demonstrable affordable housing need, then onsite provision will be an appropriate way forward. This could, for example, include persons whose needs are not met by the market but are looking to undertake self-build as they may not be a priority for more mainstream affordable tenures developed by registered providers, or such options are otherwise not available in their local area. In such instances the affordable self-build plots must satisfy the definition of affordable housing as set out in the NPPF. For example the proposals will usually be subject to a legal agreement to secure that the affordable serviced plots are made available to the eligible person at below market value and also restrict the future resale value of the property to below market value (normally at least 20% below market values). This is to ensure that the housing remains at a discount in perpetuity for future eligible households.
- 9.6 For tier 3 and 4 settlement there is still the requirement that the person building and occupying the affordable dwelling have an appropriate local connection to the settlement or Parish. When the property is sold in the future the Council will secure that the marketing includes an appropriate staged 'cascade' process to ensure that the first priority for future occupation continues to be for those in affordable housing need with a local connection to the settlement or parish.
- 9.7 To help ensure self-build affordable housing plots can still access mortgage finance section 106 agreements may also include clauses that allow unrestricted resale of properties in the event of repossession.

Design Codes for multi-plot sites

- 9.8 Self-build housing presents the potential opportunity to create neighbourhoods that have more variety and offer great places to live through the design of the dwellings and the spaces around them.
- 9.9 The Council wants to encourage innovation in design from self-builders but at the same time there is also a need to ensure adjacent plots and the wider development are compatible in terms of residential amenity, and that the overall design of sites respond to and reinforces local context, character and sense of place.

- 9.10 As set out in the Local Plan (paragraph 7.104) design codes may therefore be considered appropriate on larger self-build sites or in more sensitive locations to ensure some consistency in approach. They may be particularly relevant to multi plot sites where outline permission is initially sought but reserved matters will come in individually for each plot from the subsequent self-builder. In addition to ensuring high quality design codes can also provide clarity for when plots are marketed.
- 9.11 Design codes are usually a list of written principles supported by relevant graphically illustrations to establish a set of design parameters relevant to the site. The specific parameters to be set will vary from site to site and not all parameters will need to be specified on all sites. Rather than being prescriptive the intention would be to retain as much flexibility as possible (for example expressing parameters as minimum and maximum ranges) to ensure significant scope for self-builders to plan and design their dwellings within the parameters.
- 9.12 Where it is considered a design code agreement is required it will be expected that these are produced by the applicant but agreed with the local planning Authority. For example where they are not provided up front with outline applications the Council will consider whether it is necessary to secure a design code document through a pre-commencement condition.
- 9.13 Whilst not exhaustive the list below sets out some of the parameters that can be addressed through design codes:
- **Height** – Such as number of storeys and ridge height.
 - **Building Lines** – For example the relationship of the buildings to a street frontage.
 - **Building Form** – Including bulk and massing.
 - **Boundary Treatments** – Acceptable types of boundary treatments in public facing areas (e.g. hedging, walls, fencing)
 - **Building Footprint and Density** – For example minimum and maximum plot ratios in terms of site coverage.
 - **Other key building elements** – Such as roof slopes, window types, preferred materials etc.
 - **Infrastructure** – Requirements for refuse storage and recycling, parking requirements etc.
- 9.14 Where larger sites have established design codes the Council will encourage the use of 'plot passports' or other marketing material which provides potential purchasers with clear and concise information on the available plot and what they could build on the site within the agreed parameters.

Community Infrastructure Levy and Self-Build

- 9.15 The Community Infrastructure Levy (CIL) is a charge per square metre of additional floor space on new development. The money raised through CIL will be used to help deliver prioritised infrastructure that is needed to support growth. Sedgemoor commenced charging CIL on new development granted permission from 1st April 2015 and is the collecting authority.

- 9.16 The CIL Regulation 2010 (as amended) have introduced an exemption for self-build and custom building. This is set out in regulations 54A – 54D and means that self-build can be exempt from paying CIL provided the necessary processes and regulation requirements are complied with.
- 9.17 For self-build exemption purposes, the regulations set out that self-build housing is a dwelling built by a person and occupied by that person as their sole or main residence for the duration of the clawback period (3 years). Individuals claiming the exemption must therefore have built the property as a self-build dwelling, and subsequently own and occupy it as their principal residence for a minimum of 3 years after the work is completed.
- 9.18 There is a set process of 4 steps which must be undertaken within the required timescales in order to qualify for the exemption. The first 3 of these steps (summarised below) must be undertaken before an applicant commences their development. Exemptions cannot be granted retrospectively and therefore failure to follow the set procedure correctly will mean that an exemption cannot be obtained, and the full levy liability will be incurred. In summary the steps involve:
- Step 1** – The applicant must assume liability to pay the levy. If the levy liability is in another person’s name (e.g. the previous landowner) then the self-builder must fill in the relevant forms to transfer the assumed liability to themselves.
- Step 2** – The applicant must apply for the exemption and provide information to certify that the scheme meets the criteria to qualify as self-build development. Following this the authority will notify the applicant in writing to confirm the amount of exemption to be granted.
- Step 3** – A commencement notice must be received by the authority prior to the commencement of development. This should set out the date on which development will commence.
- Step 4** – Following completion of the build a further form and relevant additional supporting evidence must be submitted to confirm that the project is a self-build. This must be submitted within 6 months of the building regulations compliance certificate. Supporting evidence includes information relating to proof of completion, proof of ownership and proof of occupation as the applicant’s principal residence. Evidence to confirm it qualifies as self-build development must also be submitted (e.g. copy of specialist self-build warranty, self-build mortgage etc.).
- 9.19 Further guidance and the relevant forms are available on the Sedgemoor CIL website. There is also detailed guidance on CIL set out in the NPPG:
- <https://www.sedgemoor.gov.uk/cil>
 - <https://www.gov.uk/guidance/community-infrastructure-levy>
- 9.20 If a disqualifying event occurs within the 3 years of the building regulation compliance certificate being issued then the exemption claim will be void and the full amount payable by the person benefiting from the exemption. This will be monitored but the

claimant is also required to notify the Council if there is a change of circumstances. Disqualifying events include:

- A change to the development which means it no longer fulfils the definition of self-build;
- Failure to provide relevant forms within the required time frames;
- The letting or sale of the self-build dwellings within the 3 year period.

9.21 For developments that have been granted CIL self-build exemption the chargeable amount (i.e. the amount that would have been payable if the exemption had not been granted) will be registered against the property as a local land charge for the relevant 3 year period.

Community Infrastructure Levy on multi-plot sites

9.22 Taking into account how CIL operates and the steps that are required prior to commencement to qualify for exemption, applicants for multi-plot sites should therefore consider carefully whether they need to apply for a ‘phased’ planning permission or order to allow each plot to be a separate chargeable development. This will then prevent the charge being triggered for all plots within the wider development as soon as development commences on the first dwelling.

9.23 Where relevant infrastructure works are intended to be undertaken first (e.g. access, utilities) to enable the plots to be made available as serviced plots, a phased permission would also allow this enabling work to be undertaken without inadvertently triggering CIL liability for the wider site. It can also ensure that if a disqualifying event occurs affecting one unit, it does not trigger a requirement for all to repay the exemption. Under the regulations, schemes can be ‘phased’ for levy purposes for both detailed and outline applications.

9.24 For a phased planning permission to be implementable the permission must make clear that development will be phased. For example the application should have a clearly marked ‘phasing plan’ and accompanying schedule. This information is best submitted at the application stage although it is also possible to submit phasing information in response to a pre-commencement condition imposed upon any grant of planning.

9.25 As an example, where an applicant is seeking to secure outline permission on a multi-plot site with details of access to be agreed, often a logical way forward is to identify the enabling infrastructure works (e.g. access) as a first phase and then identify each of the self-plots plots separately as later phases. This would allow the enabling works to be completed without triggering liability, and then enable each plot to be sold to a self-builder and the levy liability transferred. At this point the self-builder can then follow the steps outlined previously in order to claim the self-build exemption.