

Summary Self-Build and Custom Housebuilding Evidence of Andrew Moger BA (Hons) MA MRTPI

Land at Little Bushey Lane, Bushey

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Application for residential development (up to 310 units) with access from Little Bushey Lane, and land reserved for primary school, community facilities and mobility hub (Class E) along with car parking, drainage and earthworks to facilitate drainage, open space and all ancillary and enabling works (outline application with appearance, landscaping, layout and scale reserved).

Land at Little Bushey Lane, Bushey

Redrow Homes Ltd

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Introduction

Section 1

1.1 My name is **Andrew Moger**, and I am instructed by **Redrow Homes Ltd** to examine the Self-Build and Custom Housebuilding sector in Hertsmere in relation to the appeal proposals.

1.2 In accordance with the Planning Inspectorate's Procedural Guidance, I hereby declare that:

"The evidence which I have prepared and provide for this appeal in this Statement is true and has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute. I confirm that the opinions expressed are my true and professional opinions."

1.3 My credentials in relation to the Self-Build and Custom Housebuilding sector are as follows:

- I hold a Bachelor of Arts (Hons) degree in Design, Development and Regeneration from Nottingham Trent University (2005) and a Master's degree in Spatial Planning from Birmingham City University (2009). I am a Chartered Member of the Royal Town Planning Institute.
- I have 16 years professional experience in the field of town planning and housing. I was employed across various local authorities in the East Midlands and South West regions between 2006 and 2012 and I have been in private practice since 2013.
- I have previously provided evidence on the need for Self-Build and Custom Housebuilding serviced plots to meet identified demand at numerous Section 78 Inquiries, Hearings and at Local Plan Examinations.
- I acted as planning consultant for Carillion-Igloo Regeneration Partnership and Coastline Housing Association to secure consent for 54 Custom Build homes, 70 affordable homes and 20 open market dwellings in Pool, Cornwall in 2015. This was the first pilot scheme implemented by Homes England to kick-start the Government's commitment to maximising opportunities for Custom Build homes

and tap into the growing demand from the British public to create their own unique and individual home.

- I advised on the Frome Neighbourhood Plan in relation to the introduction of a Self-Build and Custom Housebuilding policy to encourage community-led housing and co-housing.
- I am retained by the Department for Levelling Up, Housing & Communities funded Right to Build Task Force to act for a range of clients as a national Self-Build and Custom Housebuilding expert. The Task Force has been established by the National Custom and Self-Build Association (NaCSBA) to help local authorities, community groups and other organisations across the UK to deliver Self-Build and Custom Housebuilding projects. The Task Force is Government endorsed and funded, having been recognised in the Housing White Paper: Fixing our Broken Housing Market.
- I have advised a number of private clients on Self-Build and Custom Housebuilding schemes through my role within the Right to Build Task Force in Bristol, Suffolk and Cornwall as well as advising local authorities in Devon, Carlisle, Eden, Humberside, Essex and Oxfordshire on their Self-Build and Custom Housebuilding Registers and their Policy approach.
- I am retained by Self-Build and Design Magazine to provide an 'ask-an-expert' service and deliver seminars on Self-Build and Custom Housebuilding at both their annual East and West Self-Build and Design Shows.
- I am the retained planning consultant for Custom Build Homes, the UK's leading Custom Build specialists.

1.4 The appeal scheme seeks outline planning permission (with appearance, layout, landscaping and scale reserved) for the erection of up to 310 new dwellings, with access from Little Bushey Lane, and land reserved for primary school, community facilities and mobility hub (Class E) along with car parking, drainage and earthworks to facilitate drainage, open space and all ancillary and enabling works.

1.5 The appeal proposals seek to provide 5% of the open market housing units on site for self-build and custom housebuilding, equivalent to 10 serviced plots which will be secured by a legal agreement.

Self-Build and Custom Housebuilding as an Important Material Consideration

Section 2

- 2.1 Central Government has been consistent in seeking to boost the supply of Self-Build and Custom Housebuilding for the past decade, starting with the 2011 Housing Strategy for England, and it is clear that there is national demand for this type of housing.
- 2.2 As recently as April 2021 the Government announced an Action Plan intended to scale up delivery and provide funding support for self and custom-builders and more recently, the 'Bacon Review' made a series of recommendations to Government to scale up the delivery of self-build and custom housebuilding.
- 2.3 The Government announced these recommendations will be considered through the Levelling Up and Regeneration Bill (LURB) and have proposed changes to the 2015 Self-Build and Custom Housebuilding Act (as amended) to ensure that only permissions genuinely for self-build and custom housebuilding are counted towards addressing the statutory duty to meet Register demand, any unmet demand is carried forward and that regulations will specify which types of development permission count towards the duty.
- 2.4 The requirement to deliver Self-Build and Custom Build homes is enshrined in statute and within national policy through both the NPPF 2021 and the PPG
- 2.5 Local authorities are required to address this through granting sufficient development consents to meet the demand for Self-Build and Custom Housebuilding arising within their administrative area and examining secondary data sources in addition to their Register numbers to obtain a robust assessment of demand.

The Development Plan and Other Material Considerations

Section 3

- 3.1 There are no policies within the adopted Development Plan for the provision of self-build and custom housebuilding.
- 3.2 Full Council agreed in April 2022 to set aside the emerging Regulation 18 Local Plan and consequently there are no emerging policies for the provision of self-build and custom housebuilding.
- 3.3 At a national level there is a clear desire by central government to significantly boost the supply of self-build and custom housebuilding through both the NPPF and the PPG. Most recently the 'Bacon Review' made a series of recommendations to Government to scale up the delivery of self-build and custom housebuilding with the Governments response indicating that the recommendations are to be considered through the Levelling Up and Regeneration Bill.

Self-Build and Custom Housebuilding Demand in Hertsmere Borough

Section 4

- 4.1. There are at least 76 individuals and at least four associations¹ of individuals on the Self-Build Register across Base Periods 1 to 8. Although the Council's Self-Build Register is an important tool to help gauge local demand and inform how many permissioned serviced plots need to be made available on a rolling basis each year by the Council, it cannot predict longer term demand for plots.
- 4.2. In my opinion current practice has shown that local Self-Build Registers only provide a short-term supply-led picture because they rely upon people knowing about the Self-Build Register and then Registering their interest. I consider that the numbers on the Self-Build Register can therefore be a significant under-representation of latent demand.
- 4.3. Secondary data sources, such as Buildstore's Plot-Search and Custom Build Register platforms illustrate a demand for at least 1,085 plots in Hertsmere, of which 118 were in Bushey Park Ward.
- 4.4. Other secondary data sources indicate that as many as 1,710 people may be interested in building their own home in the foreseeable future and that annual needs could fall in the range of 51 to 72 plots per annum.
- 4.5. The importance of secondary data sources was recognised by Inspector Hayden in the Pear Tree Lane decision (**CD-I19**) and Inspector Masters in the Bullen's Green lane, Colney Heath decision (**CD-I2**).
- 4.6. True demand for Self-Build and Custom Housebuilding can therefore be expected to lie between at least 76 individuals and four associations² of individuals currently registered on the Council's Self-Build Register,³ the 1,085 plots through the Buildstore data, the 785-1,080 plots over the 15 year Core Strategy Plan period when

¹ Information not provided on number of members within associations through FOI response.

² Information not provided on number of members within associations through FOI response.

³ The market leading building plot search website in line with the provisions of the PPG.

AMA Market Research is used as a proxy, and as many as 1,710 people when using national survey data⁴ as a proxy.

- 4.7. The appellant recognises that there is a substantial level of unmet need for this tenure of housing in Hertsmere. The importance placed upon the provision of Self-Build and Custom Housebuilding plots by statute and by both the NPPF and the PPG has also been recognised by the appellant, as have the recommendations of the 'Bacon Review' and the direction of travel with the proposed amendments to the 2015 Self-Build and Custom Housebuilding Act (as amended) through the LURB.

⁴ Based on ONS population estimates by local authority based by single year of age [extracted from NOMIS 27 February 2023]

Self-Build and Custom Housebuilding Supply in Hertsmere Borough

Section 5

- 5.1. The Council places undue reliance upon CIL exemptions without further interrogation of the data. Previous appeal decisions have highlighted the lack of robustness to such an approach and that CIL forms are not a reliable proxy for actual delivery of self-build and custom housebuilding.
- 5.2. When the data is interrogated for the permissions that the Council rely upon, only 38 of the permissions the Council rely upon contain any evidence other than a CIL Form that the application will be for self and custom build.
- 5.3. Resultantly, the Council has failed its statutory duty to meet Register demand for Base Periods 3 and 4 and it appears likely to fail in its duty for Base Period 5, which would result in a current cumulative shortfall of 16 plots.
- 5.4. There are no adopted or emerging Local Plan policies for the provision of self-build and custom housebuilding and the future supply of self-build and custom housebuilding in Hertsmere appears highly uncertain without sites such as the appeal site making provision for serviced plots secured by legal agreement.
- 5.5. What is abundantly clear is that the Council need to take urgent action now to address unmet identified demand. Serviced plots secured by legal agreement – such as those proposed by the appeal scheme – are required to address both current and future demand.

Weight to be Attributed to the Provision of Self-Build and Custom Housebuilding Plots

Section 6

- 6.1. The evidence shows that there is a substantial unmet demand for Self-Build and Custom Housebuilding plots within Hertsmere.
- 6.2. There are at least 76 individuals and at least four associations of individuals⁵ on the Self-Build Register across Base Periods 1 to 8. However, in my opinion current practice has shown that local Self-Build Registers only provide a short-term supplied picture because they rely upon people knowing about the Self-Build Register and then Registering their interest. I consider that the numbers on the Self-Build Register can therefore be a significant under-representation of latent demand.
- 6.3. Secondary data sources, such as Buildstore's Plot-Search and Custom Build Register platforms illustrate a demand for at least 1,085 serviced plots in Hertsmere in January 2023.
- 6.4. At Ward level, the Buildstore data (**Appendix AM6**) found that in January 2023 there were 20 registrants on their Custom Build Register who are wishing to create their own customisable home within Bushey Park Ward and 98 Plot-Search subscribers who are seeking to purchase a serviced plot in the Ward to build or commission their own home. This results in a combined demand of 118 (11% of overall authority-wide demand).
- 6.5. Other secondary data sources indicate that as many as 1,710 people may be interested in building their own home in the foreseeable future and that annual needs could fall in the range of 51 to 72 plots per annum.
- 6.6. The importance of secondary data sources was recognised by Inspector Hayden in the Pear Tree Lane decision (**CD-I19**) and Inspector Masters in the Bullen's Green lane, Colney Heath decision (**CD-I2**).
- 6.7. The Council has no adopted Development Plan policy for the provision of self-build and custom housebuilding, nor does it have any emerging Plan policy position or

⁵ Information not provided on number of members within associations through FOI response.

timeframe for such a policy either given that Council agreed in April 2022 to set aside the emerging Regulation 18 Local Plan - consequently there are no emerging policies for the provision of self-build and custom housebuilding.

- 6.8. In the absence of any adopted specific policy target's, specific monitoring indicator's or clear strategy to address the existing shortfall in delivery of Self-Build and Custom Build homes, it is unclear how Hertsmere Council intends to address ongoing demand as well as meet the existing shortfall without sites such as the appeal site
- 6.9. The appellant recognises that there is a substantial level of unmet need for this tenure of housing in Hertsmere and that urgent action is required to meet the scale of demand identified.
- 6.10. The Committee Report considers that the provision of serviced plots warrants significant weight.
- 6.11. However, a number of appeal decisions have found that substantial weight has been afforded to the provision of serviced plots for self-build and custom housebuilding by Inspectors and the Secretary of State:
- Even where such provision is in line with policy requirements;
 - Where there has been statutory duty failure – even if only for a single base period;
 - Where secondary data sources demonstrate a level of demand that exceeds that on the Self-Build Register; and
 - Prior to demonstration of any statutory failure.
- 6.12. I consider that nothing less than substantial weight should be attributed to the provision of 10 serviced plots in the planning balance.
- 6.13. The reason why I consider this weight to be appropriate in respect of the provision of 10 serviced plots from the appeal site can be summarised as follows:
- This would be the first self-build and custom housebuilding consent issued to be secured by legal agreement tied to the legislative definitions in the district which accords with the Governments proposed amendments to the 2015 Act (as amended);

- There is a cumulative unmet need for at least 16 serviced plots across Base Periods 3, 4 and 5 of the Council's self-build register. The appeal proposals would address these unmet Register needs;
- Secondary data sources indicate that latent demand far exceeds the numbers on the Council's Register;
- The Council needs windfall sites such as this to make provision for serviced plots to address the unmet needs that the Plan strategy will fail to meet given that there are no adopted or emerging policies for the provision of self-build and custom housebuilding within the Borough;
- Such weight would be consistent with other appeal decisions such as:
 - Corner Mead, Droitwich Spa (13 Jul 2020)⁶ where substantial weight was awarded to the provision of nine plots;
 - Land at Church Lane, Whittington (20 November 2020)⁷ where substantial weight was awarded to the provision of two plots;
 - Land behind 31-33 The Causeway, Steventon (28 May 2021)⁸ where substantial weight was awarded to the provision of seven plots;
 - Land off Bullen's Green Lane, Colney Heath (14 June 2021)⁹ where substantial weight was awarded to the provision of 10 plots - as a cross-boundary appeal 5 plots were to be provided in each of the two authority areas respectively;
 - Land to the rear of Brock Cottage, Burford Road, Brize Norton (11 July 2022)¹⁰ where substantial weight was awarded to the provision of two plots;
 - Land adjacent to Walton Hall, Chapel Lane, Walton (08 September 2022)¹¹ where substantial weight was awarded to the provision of a single unit of self-build and custom housebuilding; and
 - Land at Duckmoor, East Billingshurst (18 January 2023)¹² where substantial weight was awarded to the provision of four plots.

⁶ CD-120
⁷ CD-124
⁸ CD-125
⁹ CD-12
¹⁰ CD-126
¹¹ CD-127
¹² CD-119