

This matter is being dealt with by
Paul Wakefield

Waterfront House, Waterfront Plaza
35 Station Street, Nottingham, NG2 2DQ

Mr Sachin Parmer
Marrons

Our ref:
902173.12 PAW

By email only: sachin.parmer@marrons.co.uk

19 September 2024

Dear Sachin,

Land at Upper Grange Farm, Ratby Lane, Markfield

You have asked me to provide advice in relation to a potential application for the construction of a self-build dwelling on land at Upper Granger Farm, Ratby Lane, Markfield (which is part of the Borough of Hinckley & Bosworth).

Under the provisions of the Self-build and Custom Housebuilding Act 2015 (as amended) ('SCHA') Local Planning Authorities are obliged to keep and maintain registers of persons seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding (s.1) ('the Register').

In accordance with s.2 of the SCHA the Local Planning Authority must have regard to the Register when carrying out their planning functions.

In accordance with s.2A SCHA a Local Planning Authority must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period (and a base period is defined as being a 12 month period running from 31 October in each year).

Therefore, Hinckley & Bosworth Borough Council ('the Council') are under a statutory duty to ensure they grant sufficient planning permissions to meet the demand within their area in each 'base period'.

My understanding is that the Council's Register indicates an imbalance between the number of people who have registered an interest in seeking to acquire a serviced plot, and the number of serviced plots which have been permitted, and as such, the Council would appear to be in breach of their duty as set out in s.2A SCHA.

Paragraph 63 of the National Planning Policy Framework (December 23) requires Local Planning Authorities to establish the needs of different groups and reflect these in planning policies, and footnote 29 of the NPPF such groups include those persons seeking to commission or build their own homes. It is therefore incumbent upon each Local Planning Authority to seek to reflect the needs of their community for the provision of self-build units within planning policy and any failure to do so would be a material consideration in the planning balance.

I also note that whilst the Government are consulting upon changes to the NPPF, the consultation does not propose any changes to these provisions.

I understand that the Council do not currently have a 5 year housing land supply, and as a consequence the 'tilted balance' within the NPPF is engaged. Furthermore, as noted above, I understand that they currently have an identified shortfall in provision of self and custom build housing.

Whilst this is ultimately a matter for the decision taker, in circumstances where the tilted balance is engaged, and where there is an identified shortfall in available self-build and custom housebuilding plots, my view is that any application which seeks to address (in whole or in part) this shortfall of self-build and custom housebuilding units should be afforded significant positive weight in the overall planning balance.

Yours sincerely

