



# Self-build and Custom Housebuilding Act 2015

## 2015 CHAPTER 17

**E+W**

An Act to place a duty on certain public authorities to keep a register of individuals and associations of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects and to place a duty on certain public authorities to have regard to those registers in carrying out planning and other functions. [26th March 2015]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Registers of persons seeking to acquire land to build a home** **E+W**

[<sup>F1</sup>(A1) In this Act “self-build and custom housebuilding” means the building or completion by—

- (a) individuals,
  - (b) associations of individuals, or
  - (c) persons working with or for individuals or associations of individuals,
- of houses to be occupied as homes by those individuals.

(A2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.]

- (1) Each relevant authority must keep a register of—
- (a) individuals, and
  - (b) associations of individuals <sup>F2</sup>... ,

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*Changes to legislation: There are currently no known outstanding effects for the Self-build and Custom Housebuilding Act 2015. (See end of Document for details)*

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who are seeking to acquire serviced plots of land in the authority's area [<sup>F3</sup>for their own self-build and custom housebuilding].

- (2) Each relevant authority must publicise its register under this section.
- (3) Relevant authorities are—
- (a) district councils;
  - (b) county councils in England so far as they are councils for an area for which there are no district councils;
  - (c) London borough councils;
  - (d) the Common Council of the City of London;
  - (e) the Council of the Isles of Scilly.
- (4) The Broads Authority is the relevant authority for the whole of its area, to the exclusion of any authority mentioned in subsection (3).
- (5) A National Park authority in England is the relevant authority for the whole of its area, to the exclusion of any authority mentioned in subsection (3).
- (6) Regulations may—
- (a) provide for specified public authorities, or specified descriptions of public authorities, to be relevant authorities for specified areas in England, and
  - (b) provide for such an authority to be the relevant authority for its area to the exclusion of any other authority.

[<sup>F4</sup>(6A) In this section—

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

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

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

- (7) For the purposes of this section the area of the Common Council includes the Inner Temple and the Middle Temple.
- (8) The Schedule makes provision in relation to registers under this section.

#### Textual Amendments

- F1** S. 1(A1)(A2) inserted (31.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 9(1)**, 216(3); S.I. 2016/733, [reg. 5](#)
- F2** Words in s. 1(1) omitted (31.10.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 9(2)(a)**, 216(3); S.I. 2016/733, [reg. 5](#)
- F3** Words in s. 1(1) substituted (31.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 9(2)(b)**, 216(3); S.I. 2016/733, [reg. 5](#)
- F4** S. 1(6A) inserted (31.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 9(3)**, 216(3); S.I. 2016/733, [reg. 5](#)

#### Commencement Information

- I1** S. 1 in force at 1.4.2016 by [S.I. 2016/113](#), [reg. 2](#)

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## 2 Duty as regards registers **E+W**

- (1) Each of the authorities mentioned in subsection (2) must have regard to each register under section 1 that relates to its area when carrying out the functions mentioned in subsection (4).
- (2) The authorities referred to in subsection (1) are—
  - (a) county councils in England;
  - (b) district councils;
  - (c) London borough councils;
  - (d) the Common Council of the City of London (in its capacity as a local authority);
  - (e) the Sub-Treasurer of the Inner Temple (in that person's capacity as a local authority);
  - (f) the Under-Treasurer of the Middle Temple (in that person's capacity as a local authority);
  - (g) the Council of the Isles of Scilly;
  - (h) the Broads Authority;
  - (i) National Park authorities in England;
  - (j) such other public authorities, or descriptions of public authority, as may be specified.
- (3) Regulations under subsection (2)(j) that specify public authorities, or descriptions of public authority, are to specify the areas in England that are those authorities' areas for the purposes of this section.
- (4) The functions referred to in subsection (1) are functions relating to—
  - (a) planning;
  - (b) housing;
  - (c) the disposal of any land of the authority;
  - (d) regeneration.

### Commencement Information

**I2** S. 2 in force at 1.4.2016 by [S.I. 2016/113](#), [reg. 2](#)

## [<sup>F5</sup>2A Duty to grant planning permission etc **E+W**

- (1) This section applies to an authority that is both a relevant authority and a local planning authority within the meaning of the Town and Country Planning Act 1990 (“the 1990 Act”).
- (2) An authority to which this section applies must give <sup>F6</sup>... development permission [<sup>F7</sup>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 [<sup>F8</sup>in respect of] each base period.
- (3) Regulations must specify the time allowed for compliance with the duty under subsection (2) in relation to any base period.
- (4) The first base period, in relation to an authority, is the period—

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- (a) beginning with the day on which the register under section 1 kept by the authority is established, and
- (b) ending with [<sup>F9</sup>30 October 2016].

Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period.

- (5) In this section “development permission” means planning permission or permission in principle (within the meaning of the 1990 Act).

[ Regulations may make provision specifying descriptions of planning permissions or permissions in principle that are, or are not, to be treated as development permission for the carrying out of self-build and custom housebuilding for the purposes of this section.]

- (6) For the purposes of this section—

- [<sup>F11</sup>(a) the demand for self-build and custom housebuilding in an authority’s area in respect of a base period is the aggregate of—
  - (i) the demand for self-build and custom housebuilding arising in the authority’s area in the base period; and
  - (ii) any demand for self-build and custom housebuilding that arose in the authority’s area in an earlier base period and in relation to which—
    - (A) the time allowed for complying with the duty in subsection (2) expired during the base period in question, and
    - (B) the duty in subsection (2) has not been met;
- (aa) the demand for self-build and custom housebuilding arising in an authority’s area in a base period is evidenced by the number of entries added during that period to the register under section 1 kept by the authority;]
- (b) an authority gives development permission if such permission is granted—
  - (i) by the authority,
  - (ii) by the Secretary of State or the Mayor of London on an application made to the authority, or
  - (iii) (in the case of permission in principle) by a development order, under section 59A(1)(a) of the 1990 Act, in relation to land allocated for development in a document made, maintained or adopted by the authority;

[<sup>F12</sup>(c) .....

- (7) A grant of development permission in relation to a particular plot of land may not be taken into account in relation to more than one base period in determining whether the duty in this section is discharged.

- (8) No account is to be taken for the purposes of this section of development permission granted before the start of the first base period.

- (9) Regulations under subsection (3)—

- (a) may make different provision for different authorities or descriptions of authority;
- (b) may make different provision for different proportions of the demand for self-build and custom housebuilding [<sup>F13</sup>in respect of] a particular base period.]

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#### Textual Amendments

- F5** S. 2A inserted (31.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 10(1)**, 216(3) (with s. 10(3)); S.I. 2016/733, reg. 5
- F6** Word in s. 2A(2) omitted (31.1.2024) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 123(1)(a)(i)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(f)
- F7** Words in s. 2A(2) substituted (31.1.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 123(1)(a)(ii)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(f)
- F8** Words in s. 2A(2) substituted (31.1.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 123(1)(a)(iii)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(f)
- F9** Words in s. 2A(4)(b) substituted (31.10.2016) by [The Housing and Planning Act 2016 \(Commencement No.2, Transitional Provisions and Savings\) Regulations 2016 \(S.I. 2016/733\)](#), **reg. 11(2)**
- F10** S. 2A(5A) inserted (31.1.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 123(1)(b)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(f)
- F11** S. 2A(6)(a)(aa) substituted for s. 2A(6)(a) (31.1.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 123(1)(c)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(f)
- F12** S. 2A(6)(c) omitted (31.1.2024) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 123(1)(d)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(f)
- F13** Words in s. 2A(9)(b) substituted (31.1.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 123(1)(e)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(f)

#### Modifications etc. (not altering text)

- C1** S. 2A excluded (31.10.2016) by [The Self-build and Custom Housebuilding Regulations 2016 \(S.I. 2016/950\)](#), **regs. 1, 9**

#### [<sup>F14</sup>2B Exemption from duty in section 2A **E+W**

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

#### Textual Amendments

- F14** S. 2B inserted (31.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 11**, 216(3); S.I. 2016/733, reg. 5

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### 3 Guidance **E+W**

- (1) A relevant authority must have regard to any guidance issued by the Secretary of State when exercising any function conferred or imposed by or under section 1 or the Schedule.
- (2) An authority mentioned in section 2(2) must have regard to any guidance issued by the Secretary of State when exercising the duty imposed by section 2, including guidance about identifying functions affected by the duty.
- [<sup>F15</sup>(3) An authority that is subject to the duty in section 2A must have regard to any guidance issued by the Secretary of State in relation to that duty.]

#### Textual Amendments

**F15** S. 3(3) inserted (31.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 10(2)**, 216(3); S.I. 2016/733, reg. 5

#### Commencement Information

**I3** S. 3 in force at 1.4.2016 by [S.I. 2016/113](#), **reg. 2**

### 4 Regulations **E+W**

- (1) A statutory instrument containing regulations under—
  - (a) section 1,
  - (b) section 2, <sup>F16</sup>...
  - [<sup>F17</sup>(ba) section 2A(3),
  - (bb) section 5(2), or]
  - (c) paragraph 6 of the Schedule,
 (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (2) A statutory instrument containing regulations under—
  - [<sup>F18</sup>(zza) section 2A(5A),]
  - [<sup>F19</sup>(za) section 2B,]
  - (a) [<sup>F20</sup>section 5(1)], or
  - (b) the Schedule apart from paragraph 6,
 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Regulations under this Act, apart from regulations under section 6, may include incidental, supplementary, consequential, transitional, transitory or saving provision.

#### Textual Amendments

**F16** Word in s. 4(1)(b) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 12(3)(a)**, 216(3); S.I. 2016/733, reg. 3(a)

**F17** S. 4(1)(ba)(bb) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 12(3)(b)**, 216(3); S.I. 2016/733, reg. 3(a)

**F18** S. 4(2)(zza) inserted (31.1.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 123(2)**, 255(3)(b) (with s. 247); S.I. 2024/92, reg. 2(f)

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**F19** S. 4(2)(za) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 12(4)(a)**, 216(3); S.I. 2016/733, reg. 3(a)

**F20** Words in s. 4(2)(a) substituted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 12(4)(b)**, 216(3); S.I. 2016/733, reg. 3(a)

#### Commencement Information

**I4** S. 4 in force at 1.4.2016 by [S.I. 2016/113](#), **reg. 2**

## 5 Interpretation **E+W**

[<sup>F21</sup>(1)] In this Act—

“house” includes a dwelling that forms part of a building;

“relevant authority” has the meaning given by section 1;

“regulations” means regulations made by the Secretary of State by statutory instrument;

[<sup>F22</sup>“self-build and custom housebuilding” has the meaning given by section 1;]

[<sup>F23</sup>“serviced plot of land” means a plot of land that—

((a) ) has access to a public highway and has connections for electricity, water and waste water, or

((b) ) can be provided with those things in specified circumstances or within a specified period;]

“specified” means specified by regulations.

[<sup>F24</sup>(2) Regulations may amend the definition of “serviced plot of land” by adding further services to those mentioned in paragraph (a).]

#### Textual Amendments

**F21** S. 5(1): s. 5 renumbered as s. 5(1) (31.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 9(4)(c)**, 216(3); S.I. 2016/733, reg. 5

**F22** Words in s. 5 inserted (31.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 9(4)(a)**, 216(3); S.I. 2016/733, reg. 5

**F23** Words in s. 5 substituted (31.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 9(4)(b)**, 216(3); S.I. 2016/733, reg. 5

**F24** S. 5(2) inserted (31.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 9(4)(c)**, 216(3); S.I. 2016/733, reg. 5

#### Commencement Information

**I5** S. 5 in force at 1.4.2016 by [S.I. 2016/113](#), **reg. 2**

## 6 Extent, commencement and short title **E+W**

- (1) This Act extends to England and Wales.
- (2) This section comes into force on the day this Act is passed.
- (3) The other provisions of this Act come into force on such day or days as regulations may appoint; and different days may be appointed for different purposes.
- (4) This Act may be cited as the Self-build and Custom Housebuilding Act 2015.

*Changes to legislation: There are currently no known outstanding effects for the Self-build and Custom Housebuilding Act 2015. (See end of Document for details)*

SCHEDULE **E+W**

Section 1

REGISTERS UNDER SECTION 1

*Introductory*

1 Regulations may make provision in relation to registers under section 1.

**Commencement Information**

**I6** Sch. para. 1 in force at 1.4.2016 by S.I. 2016/113, reg. 2

*The registers*

- 2 (1) The regulations may include provision about—
- (a) the form in which a register is to be kept;
  - (b) the content of an entry in a register (including matters not to be included in an entry);
  - (c) amending an entry;
  - (d) removing an entry;
  - (e) the periodic renewal of an entry.
- (2) Provision under sub-paragraph (1)(d) may include provision for a relevant authority to remove an entry—
- (a) at the request of the person registered;
  - (b) where the person has acquired land suitable for building a house;
  - (c) where the person has ceased to be eligible to be entered on its register.
- (3) Provision under sub-paragraph (1)(e) may—
- (a) specify when an entry falls to be renewed;
  - (b) provide for a relevant authority to determine when an entry in its register falls to be renewed.
- (4) The regulations may include provision about reviewing a register.
- (5) Subject to any provision made by the regulations, a relevant authority may determine the form of a register under section 1 and the contents of any entry.

**Commencement Information**

**I7** Sch. para. 2 in force at 1.4.2016 by S.I. 2016/113, reg. 2

*Eligibility*

- 3 (1) The regulations may make provision about a person's eligibility to be entered on a register.
- (2) The regulations may include provision relating to—
- (a) the circumstances of an individual, including provision about age, nationality and connections to an area;
  - (b) the type of house intended to be built;



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- (c) an individual's ability to fund the acquisition of the land and the building of the house;
- (d) an individual's intentions as regards occupation of the house.

[<sup>F25</sup>(2A) Regulations relating to the matters set out in sub-paragraph (2) may provide for eligibility to be determined by reference to criteria set by a relevant authority.]

- (3) The regulations may include provision relating to—
- (a) the constitution of an association of individuals,
  - (b) the financial arrangements of an association of individuals, and
  - (c) the constitution and financial arrangements of a body corporate exercising functions on behalf of an association of individuals.

- [<sup>F26</sup>(4) The regulations may provide—
- (a) that persons who fail to meet particular conditions of eligibility, but who meet the other conditions specified, must be entered on a separate part of the register;
  - (b) that the duty in section 2A does not apply in relation to such persons.]

#### Textual Amendments

- F25** Sch. para. 3(2A) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 12(1)(a)**, 216(3); S.I. 2016/733, reg. 3(a)
- F26** Sch. para. 3(4) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 12(1)(b)**, 216(3); S.I. 2016/733, reg. 3(a)

#### Commencement Information

- I8** Sch. para. 3 in force at 1.4.2016 by [S.I. 2016/113](#), **reg. 2**

#### *Applications to be registered etc*

- 4 (1) The regulations may make provision about—
- (a) applications to be entered on a register, and
  - (b) applications to renew an entry in a register.
- (2) The regulations may require an applicant to supply information, including information about—
- (a) the applicant;
  - (b) the land that the applicant wants, including the applicant's preferred size, location and price;
  - (c) when the applicant wants to acquire the land;
  - (d) if the application is made by an association of individuals, the individuals (as well as the association);
  - (e) if the application is made by a body corporate exercising functions on behalf of an association of individuals, the association and the individuals (as well as the body corporate).

#### Commencement Information

- I9** Sch. para. 4 in force at 1.4.2016 by [S.I. 2016/113](#), **reg. 2**

*Changes to legislation: There are currently no known outstanding effects for the Self-build and Custom Housebuilding Act 2015. (See end of Document for details)*

### *Right to review*

- 5 (1) The regulations may make provision about a right to a review of a decision—
- (a) to refuse an application to be entered on a register,
  - (b) to refuse to renew an entry in a register, or
  - (c) to remove an entry from a register,
- on the ground that the person is not eligible, or is no longer eligible, to be entered on the register.
- (2) The regulations may—
- (a) provide for the time within which a request for a review of a decision must be made;
  - (b) require a relevant authority to review its decision if a request is duly made;
  - (c) require a relevant authority to notify a person of the reason for the decision when notifying the person of its decision;
  - (d) require a relevant authority to notify the person of—
    - (i) the right to request a review of the decision, and
    - (ii) the time within which the request must be made;
  - (e) exclude a review of a decision on a review.

#### **Commencement Information**

**I10** Sch. para. 5 in force at 1.4.2016 by S.I. 2016/113, reg. 2

### *Fees*

- 6 (1) The regulations may provide for the payment of fees to relevant authorities in connection with their functions under [<sup>F27</sup>sections 1 and 2A] and this Schedule.
- (2) The regulations may—
- (a) specify the fees payable, or
  - (b) make provision about the fixing of fees by [<sup>F28</sup>the Secretary of State or] relevant authorities, including provision about determining the amounts of such fees.
- [<sup>F29</sup>(3) The regulations may specify circumstances in which no fee is to be paid.]

#### **Textual Amendments**

**F27** Words in Sch. para. 6(1) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), ss. 12(2)(a), 216(3); S.I. 2016/733, reg. 3(a)

**F28** Words in Sch. para. 6(2)(b) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), ss. 12(2)(b), 216(3); S.I. 2016/733, reg. 3(a)

**F29** Sch. para. 6(3) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), ss. 12(2)(c), 216(3); S.I. 2016/733, reg. 3(a)

#### **Commencement Information**

**I11** Sch. para. 6 in force at 1.4.2016 by S.I. 2016/113, reg. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Self-build and Custom Housebuilding Act 2015.