



Housing and Planning Act 2016

2016 CHAPTER 22

PART 1

NEW HOMES IN ENGLAND

CHAPTER 2

SELF-BUILD AND CUSTOM HOUSEBUILDING

10 Duty to grant planning permission etc

(1) After section 2 of the Self-build and Custom Housebuilding Act 2015 insert—

“2A Duty to grant planning permission etc

- (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 suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in 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—
 - (a) beginning with the day on which the register under section 1 kept by the authority is established, and
 - (b) ending with the day before the day on which section 10 of the Housing and Planning Act 2016 comes into force.

Changes to legislation: *Housing and Planning Act 2016, Section 10 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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).
- (6) For the purposes of this section—
- (a) the demand for self-build and custom housebuilding arising in an authority's area in a base period is the demand as 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;
 - (c) development permission is “suitable” if it is permission in respect of development that could include self-build and custom housebuilding.
- (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 arising in a particular base period.”
- (2) In section 3 of that Act (guidance), after subsection (2) insert—
- “(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.”
- (3) In relation to entries made on the register under section 1 of that Act before ^{[F131}October 2016], any reference to self-build and custom housebuilding in section 2A of that Act (inserted by subsection (1) above) is to be read as if, in section 1 of that Act (as amended by section 9 above)—
- (a) the words “or completion” in subsection (A1) were omitted, and
 - (b) the definitions of “completion” and “home” in subsection (6A) were omitted.

Textual Amendments

- F1** Words in s. 10(3) 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. 12(2)**

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Commencement Information

II S. 10 in force at 31.10.2016 by [S.I. 2016/733](#), **reg. 5**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 95(1)(ia) inserted by [2023 c. 36 Sch. 1 para. 2](#)
- s. 100(7)(aa) inserted by [2023 c. 36 Sch. 1 para. 3](#)
- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)