

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

Former Laporte Works Site, Nutfield Road, Nutfield,
Surrey

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Outline planning permission for the development of the site for new homes (Use Class C3) and Integrated Retirement Community use Classes C2, E(e), F2), creation of new access, landscaping and associated works to facilitate the development, in phases which are severable (outline with all matters reserved, except for access)

Former Laporte Works Site, Nutfield Road, Nutfield, Surrey

Nutfield Park Developments Limited

February 2026

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Appendices

Appendix 1 Tandridge Council Freedom of Information Responses
(17 March 2023, 30 May 2023 and 8 January 2026)

Appendix 2 Custom Build Homes Group Demand Assessment (January 2026)

Introduction

Section 1

- 1.1 This Self-Build and Custom Housebuilding Proof of Evidence has been prepared by **Andrew Moger BA (Hons) MA MRTPI**, on behalf of **Nutfield Park Developments Limited**.
- 1.2 I am a Director at Tetlow King Planning, and my evidence examines the need for Self-Build and Custom Housebuilding plots in Tandridge.
- 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 19 years professional experience in the field of town planning and housing. I was employed across various local authorities in the Midlands and South West regions between 2006 and 2012 and I have been in private practice since 2013.
 - 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 Ministry for Homes, Communities and Local Government (MHCLG) 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 have provided an ‘ask-an-expert’ service and delivered seminars on Self-Build and Custom Housebuilding at both the annual East and West Self-Build and Design Shows.
- I have been guest speaker at Grand Designs Live on the subject matter of understanding the ‘Right to Build.’
- I am a regular speaker at the NaCSBA Annual Conference on the subject matter of self-build and custom housebuilding applications and appeals and provide market insight on self and custom housebuilding in their annual market report.
- I am the retained planning consultant for Custom Build Homes, the UK’s leading Custom Build specialists.
- I have provided expert evidence in relation to self-build and custom housebuilding at more than 40 appeal inquiries and hearings.

1.4 The appeal scheme seeks permission for up to 166 residential units inclusive of market and affordable homes and self-build plots. A total of eight (8) plots are proposed to be secured as serviced plots for self-build and custom housebuilding. The appeal proposals also propose up to 70 care home beds, up to 41 extra care facility beds and up to 1,500 sqm Class E(e), F2 flexible use floorspace, including health care and community floorspace.

1.5 The full description of development to which the appeal proposals relate is as follows:

“Outline planning permission for the development of the site for new homes (Use Class C3) and Integrated Retirement Community (Use Class C2, E€ , F2), creation of new access, landscaping and associated works to facilitate the development, in phases which are severable (Outline with all matters reserved, except for access).”

- 1.6 In preparing this Proof of Evidence reliance has been placed upon information sought through a series of Freedom of Information (FOI) requests made to Tandridge Council with the responses received on the dates set out below. Copies are included at **Appendix 1**:
- 17 March 2023
 - 30 May 2023
 - 8 January 2026
- 1.7 The Council's FOI response of 8 January 2026 advised that despite the FOI request being lodged on 15 December 2025 the Council would be unable to respond in full within the statutory 20 working days timeframe.
- 1.8 It advised that the Council aims to respond by 12 February 2026 which is two days post the original date for exchange of evidence and the day prior to the extended date for exchange of evidence. It is necessary therefore for the Appellant to reserve the right to produce supplemental self-build and custom housebuilding evidence to respond to the FOI data received where required.
- 1.9 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."*
- 1.10 In addition, I confirm that no part of my evidence, including the data presented has used any form of artificial intelligence (AI).
- 1.11 This Self-Build and Custom Housebuilding Proof of Evidence comprises the following five sections:
- Section 2 considers the planning policy context and other material considerations;
 - Section 3 considers the demand for self-build and custom housebuilding in Tandridge;
 - Section 4 considers the extent to which serviced plots are being delivered to meet this demand within the Tandridge;

- Section 5 considers the weight to be attributed to the provision of self-build and custom housebuilding through the appeal proposals within the planning balance; and
- Section 6 draws together my summary and conclusions.

Self-Build and Custom Housebuilding as an Important Material Consideration

Section 2

Introduction

- 2.1 The need to make provision for Self-Build and Custom Housebuilding is now an established part of the planning system and continues to form an important part of the government's strategy for addressing the national housing crisis, irrespective of the controlling political party.
- 2.2 The demand for this tenure of housing was first detailed in the 2011 Housing Strategy for England and has since become enshrined in national policy within the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

The Self-Build and Custom Housebuilding Act (2015)

- 2.3 The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) placed a legal duty on local authorities to keep a Register of individuals and associations of individuals (i.e., groups) who want to acquire serviced plots of land and to have regard to that Register when carrying out its planning, housing, land disposal and regeneration functions.
- 2.4 Local authorities can separate their Register into two parts (Part 1 and Part 2) if they introduce a local connection test, with those people who meet the criteria of such a test being placed on Part 1 of the Register. Those who meet all the statutory eligibility criteria to join the Register except for the local connection test must be entered onto Part 2 of the Register. This does not apply to members of the Armed Forces.
- 2.5 The effect of this in practice is that the requirement to give suitable development permission for enough serviced plots of land to meet the demand on the Register only applies to the number of households entered on Part 1 of the Register.

The Housing and Planning Act (2016)

- 2.6 The 2016 Housing and Planning Act at Section 10 placed a duty (which came into force on 31 October 2016) on local authorities to grant sufficient development permissions to meet the demand for Self-Build and Custom Housebuilding in their area arising in each Base Period within the three years after the end of the Base Period.
- 2.7 A legal definition of Self-Build and Custom Housebuilding, for the purpose of applying the Act, is contained in Section 1(A1) and (A2) of that Act as:

“(A1) In this Act ‘Self-Build and Custom housebuilding’ means the building or completions 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”.

The Self-Build and Custom Housebuilding (Time for Compliance and Fees)

Regulations (2016)

- 2.8 The Time for Compliance and Fees Regulations set out at part two that *“the time allowed for an authority to which section 2A of the Act (duty to grant planning permission etc) applies to comply with the duty under subsection (2) of that section in relation to any Base Period is the period of 3 years beginning immediately after the end of that Base Period (d).”*
- 2.9 Any permissions granted on or before 30 October 2016 (the date on which Base Period 1 ended) cannot therefore be counted towards addressing the statutory duty to meet Part 1 register demand.

Planning Practice Guidance (2021)

- 2.10 The Self-Build and Custom Housebuilding section was first introduced on 1 April 2016 and last updated on 8 February 2021.

2.11 It sets out¹ that:

“In considering whether a home is a Self-Build or Custom Build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.

Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing.”

2.12 The benefits of self-build and custom housebuilding are explained out at paragraph 16a² which states that *“self-build or custom build helps to diversify the housing market and increase consumer choice. Self-build and custom housebuilders choose the design and layout of their home and can be innovative in both its design and construction.”*

2.13 Paragraph 011³ details that *“local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources (as outlined in the housing and economic development needs guidance) to understand and consider future need for this type of housing in their area.”*

2.14 It goes on to explain that *“secondary data sources can include data from building plot search websites, enquiries for building plots recorded by local estate agents and surveys of local residents. Demand assessment tools can also be utilised.”*

2.15 The PPG also sets out⁴ that *“section 2(1) of the Self-Build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register”* and that *“the registers that relate to the area of a local planning authority – and the duty to have regard to them – needs to be taken into account in preparing planning policies, and are also likely to be a material consideration in decisions involving proposals for self and custom housebuilding”*.

The Levelling Up and Regeneration Act (2023)

2.16 The Levelling Up and Regeneration Act (LURA) made further amendments to the 2015 Self-Build and Custom Housebuilding Act so that it now reads as follows:

¹ Paragraph 016 Reference ID: 57-016-20210208

² Paragraph 16a Reference ID: 57-016a-20210208

³ Paragraph 011 Reference ID: 57-011-20210208

⁴ Paragraph 014 Reference ID: 57-014-20210508

Section 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 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.*
- (3) *Regulations must specify the time allowed for compliance with the duty under subsection 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. 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).*
- (5A) *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—*
 - (a) *the demand for self-build and custom housebuilding arising in an authority’s area in 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 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;*
- (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 in respect of a particular base period.”*

The Levelling Up and Regeneration Act 2023 (Commencement No.2 and Transitional Provisions) Regulations 2024

- 2.17 On 25 January 2024, the Secretary of State made regulations which brought into force Section 123 of the LURA from 31 January 2024.

Radio 4 interview with Labour Government Housing Minister Matthew Pennycook (9 July 2024)

- 2.18 In an interview on BBC Radio 4 discussing the Labour Governments plans for housing delivery, Housing Minister, Matthew Pennycook stated that:

“When it comes to a target such as 1.5 million new homes, which is very stretching, but we think achievable, we will need a variety of actors to play their part... ..we could have a separate whole conversation on what we can do on self-build which I think does have a part to play in bringing forward new supply”.

Letter from Housing minister Matthew Pennycook to the Chair of Homes England (30 September 2024)

- 2.19 In his September 2024 letter to Homes England, the Housing Minister made clear that *“boosting housing supply and unlocking economic growth is a top priority for this government”* and outlined seven immediate priorities, the fifth of which includes to *“support the self and custom build...sectors”.*

National Planning Policy Framework (2024)

- 2.20 In December 2024, a revised National Planning Policy Framework (NPPF) was published. Paragraph 61 makes clear that local authorities need to make sufficient provision of land with permission without delay to meet the needs of different groups.
- 2.21 At paragraph 62 it sets out that in determining the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the Standard Method.
- 2.22 NPPF Paragraph 63 states that within this context, the size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in policy, including *“people wishing to commission or build their own homes”* with footnote 28 detailing that:

“Under Section 1 of the Self-Build and Custom Housebuilding Act 2015, local authorities are required to keep a Register of those seeking to acquire serviced plots in the area for their own Self-Build and Custom Housebuilding. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and Custom Build properties could provide market or affordable housing.”

2.23 Support for mixed tenure sites is included at paragraph 71 where it is stated that:

“Mixed tenure sites can provide a range of benefits including creating diverse communities and supporting timely build out rates and local planning authorities should support their development through their policies and decisions. Mixed tenure sites can include a mixture of ownership and rental tenures, including rented affordable housing and build to rent, as well as housing designed for specific groups such as older people’s housing and student accommodation, and plots sold for custom or self-build.”

2.24 Annex 2 of the NPPF defines Self-Build and Custom Housebuilding as:

“Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-Build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.”

Consultation draft National Planning Policy Framework (2025)

2.25 In December 2025, the Government published a revised draft NPPF for consultation with the consultation due to close on 10 March 2026.

2.26 Under the Plan-making policies in chapter six, draft Policy HO1: Assessing the need for homes, at HO1(2)(j) identifies that development plans should also take into account an assessment of the size, type and tenure of housing or other accommodation needed for different groups to include people wishing to build or commission their own homes.

2.27 Footnote 31 of the consultation draft NPPF explains that *“under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of that Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.”*

2.28 Draft Policy HO4: Land for large scale residential and mixed-use development, at HO4(2)(c) sets out that local plans should identify specific sites, infrastructure and other site-specific requirements for large-scale development, including supporting delivery by setting expectations for an appropriate mix of tenures which would meet the needs of different groups. It states that this can include a mixture of ownership and rental tenures, including Social Rent, other rented affordable housing and build to rent,

as well as housing designed for specific groups such as older people's housing and student accommodation, and plots for custom or self-build.

- 2.29 Under draft Policy HO5: Meeting the needs of different groups, at HO5(1)(c)(iii) it details that the development plan should, at the most appropriate level, set out policies to address the housing needs of different groups assessed under Policy HO1 and that this should include identifying sites or setting requirements for parts of allocated sites, which can provide specific types of housing where there is an identified need, including plots for self and custom build housing.

Conclusions on self-build and custom housebuilding as an important material consideration

- 2.30 Central Government, regardless of the controlling political party, has been consistent in seeking to boost the supply of self-build and custom housebuilding for more than a decade. There is a national unmet demand for this type of housing.
- 2.31 Changes to the 2015 Self-Build and Custom Housebuilding Act (as amended) through the 2023 LURA imposed a tightening of the legislative provisions on local authorities with Section 123 coming into force on 31 January 2024.
- 2.32 It is common ground⁵ that there are no transitional arrangements therefore the provisions are to be applied retrospectively. The imposition of the requirement for local authorities to count cumulative register numbers where there have been previous base period shortfalls further indicates that this is the way the legislative amendments are intended to be applied.
- 2.33 Local authorities are required to address this through granting sufficient development consents to meet the demand for Self-Build and Custom Housebuilding arising from the self-build register and examining secondary data sources in addition to their Register numbers to obtain a robust assessment of demand and to understand and consider future needs for this type of housing in their area.
- 2.34 The requirement to deliver Self-Build and Custom Build homes is enshrined in statute and within national policy through both the NPPF 2024 and the PPG. The December 2024 NPPF expressly supports the provision of self-build and custom housebuilding on mixed tenure sites to create diversity and support timely build out rate at paragraph 71.

⁵ Paragraph 2.6 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

- 2.35 The December 2025 consultation draft NPPF proposes that development plans take account of the needs of those wishing to build or commission their own homes and encourages a mix of housing for specific groups including plots of custom or self-build on large scale residential and mixed-use development. In addition to which it proposed that where the housing needs of different groups have been identified, the development plan should incorporate policies to address this through identifying sites or setting requirements for parts of allocated sites.

The Development Plan and Other Material Considerations

Section 3

Introduction

- 3.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.2 The Development Plan for Tandridge comprises the Tandridge District Core Strategy (2008) and the Local Plan Part 2: Detailed Policies 2014-2029 (2014).
- 3.3 Other material considerations include the emerging Local Plan for Tandridge, the NPPF (2024), the PPG (ongoing updates), the 2015 Self-Build and Custom Housebuilding Act (as amended by the 2016 Housing and Planning Act and the 2023 Levelling Up and Regeneration Act), and The Self-Build and Custom Housebuilding (Time for Compliance and Fees) Regulations (2016).

The Development Plan

Tandridge District Core Strategy (2008) – CD-4.1

- 3.4 The Tandridge District Core Strategy was adopted in 2008 and covers the Plan period to 2026. It does not contain any policies relating to self-build and custom housebuilding.

Local Plan Part 2: Detailed Policies (2014) – CD-4.2

- 3.5 The Local Plan Part 2 was adopted in 2014 and covers the Plan period to 2029. It does not contain any policies relating to self-build and custom housebuilding.

Other material considerations

Emerging Local Plan for Tandridge

- 3.6 The Emerging Local Plan for Tandridge is at a very early stage in its development. In February 2025, the Council published its Local Development Scheme (LDS) which identified that the Council anticipates the first consultation on the emerging Plan to take place between April 2026 and October 2026.

- 3.7 The LDS sets out that the Council anticipates the second consultation on the emerging Plan and submission to the Secretary of State for Examination to occur between April 2027 and December 2027. It anticipates Examination of the emerging Plan between January to June 2028 with adoption anticipated in July 2028.
- 3.8 In January 2026 the Council opened consultation on its Regulation 18 early engagement document which this scheduled to close on 1 March 2026.
- 3.9 The introduction to the consultation document explains that it represents the first stage in preparing a new Plan and seeks the views of stakeholders on the main issues and priorities to help shape the new strategy.
- 3.10 The only reference to self-build and custom housebuilding within the consultation document is within the glossary.

National Planning Policy Framework (2024) – CD-5.1

- 3.11 NPPF Paragraph 63 states that within the context of determining the number of homes needed, the size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in policy, including “*people wishing to commission or build their own homes*” with footnote 28 detailing that:
- “Under Section 1 of the Self-Build and Custom Housebuilding Act 2015, local authorities are required to keep a Register of those seeking to acquire serviced plots in the area for their own Self-Build and Custom Housebuilding. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and Custom Build properties could provide market or affordable housing.”*
- 3.12 Support for mixed tenure sites is included at paragraph 71 where it is stated that:
- “Mixed tenure sites can provide a range of benefits including creating diverse communities and supporting timely build out rates and local planning authorities should support their development through their policies and decisions. Mixed tenure sites can include a mixture of ownership and rental tenures, including rented affordable housing and build to rent, as well as housing designed for specific groups such as older people’s housing and student accommodation, and plots sold for custom or self-build.*

3.13 Annex 2 of the NPPF defines Self-Build and Custom Housebuilding as:

“Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-Build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.”

Planning Practice Guidance (2021) – CD-5.11

3.14 The Self-Build and Custom Housebuilding section was first introduced on 1 April 2016 and last updated on 8 February 2021.

3.15 The benefits of self-build and custom housebuilding are explained out at paragraph 16a⁶ which states that *“self-build or custom build helps to diversify the housing market and increase consumer choice. Self-build and custom housebuilders choose the design and layout of their home and can be innovative in both its design and construction.”*

3.16 Paragraph 011⁷ details that *“local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources (as outlined in the housing and economic development needs guidance) to understand and consider future need for this type of housing in their area.”*

3.17 It goes on to explain that *“secondary data sources can include data from building plot search websites, enquiries for building plots recorded by local estate agents and surveys of local residents. Demand assessment tools can also be utilised.”*

3.18 The PPG also sets out⁸ that *“section 2(1) of the Self-Build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register”* and that *“the registers that relate to the area of a local planning authority – and the duty to have regard to them – needs to be taken into account in preparing planning policies, and are also likely to be a material consideration in decisions involving proposals for self and custom housebuilding”*

⁶ Paragraph 16a Reference ID: 57-016a-20210208

⁷ Paragraph 011 Reference ID: 57-011-20210208

⁸ Paragraph 014 Reference ID: 57-014-20210508

The Self-Build and Custom Housebuilding Act (2015) – CD-5.13

- 3.19 The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) placed a legal duty on local authorities to keep a Register of individuals and associations of individuals (i.e., groups) who want to acquire serviced plots of land and to have regard to that Register when carrying out its planning, housing, land disposal and regeneration functions.
- 3.20 Local authorities can separate their Register into two parts (Part 1 and Part 2) if they introduce a local connection test, with those people who meet the criteria of such a test being placed on Part 1 of the Register. Those who meet all the statutory eligibility criteria to join the Register except for the local connection test must be entered onto Part 2 of the Register. This does not apply to members of the Armed Forces.
- 3.21 The effect of this in practice is that the requirement to give suitable development permission for enough serviced plots of land to meet the demand on the Register only applies to the number of households entered on Part 1 of the Register.

The Housing and Planning Act (2016) – CD-5.14

- 3.22 The 2016 Housing and Planning Act at Section 10 placed a duty (which came into force on 31 October 2016) on local authorities to grant sufficient development permissions to meet the demand for Self-Build and Custom Housebuilding in their area arising in each Base Period within the three years after the end of the Base Period.
- 3.23 A legal definition of Self-Build and Custom Housebuilding, for the purpose of applying the Act, is contained in Section 1(A1) and (A2) of that Act as:

“(A1) In this Act ‘Self-Build and Custom housebuilding’ means the building or completions 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”.

The Levelling Up and Regeneration Act (2023) – CD-5.15

- 3.24 The Levelling Up and Regeneration Act (LURA) further amends the 2015 self-build and custom housebuilding legislation to ensure that any shortfall in previous base periods is carried forward until such time that it is met, and introduces provision to ensure that only permissions that are for self and custom build are to be counted towards the statutory duty to meet register demand.

The Self-Build and Custom Housebuilding (Time for Compliance and Fees)

Regulations (2016) – CD-5.16

- 3.25 The Time for Compliance and Fees Regulations set out at part two that *“the time allowed for an authority to which section 2A of the Act (duty to grant planning permission etc) applies to comply with the duty under subsection (2) of that section in relation to any Base Period is the period of 3 years beginning immediately after the end of that Base Period (d).”*
- 3.26 Any permissions granted on or before 30 October 2016 (the date on which Base Period 1 ended) cannot therefore be counted towards addressing the statutory duty to meet Part 1 register demand.

Conclusions on the Development Plan and other material considerations

- 3.27 The Development Plan for Tandridge does not include any policies relating to the provision of self-build and custom housebuilding. The February 2025 LDS indicates that Tandridge Council does not anticipate adoption of a new Local Plan until at least July 2028, and the emerging Plan remains at an early stage of development.
- 3.28 The 2015 Self-Build and Custom Housebuilding Act (as amended) places a statutory duty on the Council to have met demand arising from each Base Period of its Register within three years of the end of each Base Period.
- 3.29 Further changes to the 2015 Self-Build and Custom Housebuilding Act (as amended) through the 2023 LURA imposed a tightening of the legislative provisions on local authorities including the requirement to carry forward unmet demand from earlier Base Periods until such time that it has been met, and ensure that only permissions that are for self and custom build are to be counted towards addressing the statutory duty.

- 3.30 The NPPF requires the needs of those wishing to commission or build their own home to be assessed and reflected in policy and the PPG is clear that to undertake a robust assessment of demand the register can be supplemented with secondary data sources to understand and consider future needs for this type of housing.
- 3.31 At a national level there continues to remain a clear desire by central Government to significantly boost the supply of Self-Build and Custom Housebuilding through both the NPPF and the PPG.

Demand for Self-Build and Custom Housebuilding in Tandridge

Section 4

Tandridge housing market need assessments

- 4.1 A series of housing need and supply evidence base documents were published to support the now withdrawn Our local Plan 2033. These are considered below in the context of self-build and custom housebuilding evidence.

The Objectively Assessed Housing Needs of Tandridge (2015) – CD-6.12

- 4.2 The Objectively Assessed Housing Needs (OAHN) report does not contain any assessment of self-build and custom housebuilding, nor does it seek to understand and consider the future need for this type of housing in Tandridge.

Defining The Housing Market Area Technical Paper (2015) – CD-6.14

- 4.3 The Housing Market Area (HMA) Technical Paper does not contain any assessment of self-build and custom housebuilding, nor does it seek to understand and consider the future need for this type of housing in Tandridge.

Analysis of Market Signals Technical Paper (2015) – CD-6.15

- 4.4 The Market Signals Analysis Technical Paper does not contain any assessment of self-build and custom housebuilding, nor does it seek to understand and consider the future need for this type of housing in Tandridge.

Addressing the Needs of All Household Types Technical Paper (2015) – CD-6.19

- 4.5 The Technical Paper included consideration of people wishing to build their own homes between paragraphs 4.22 and 4.27.
- 4.6 At paragraph 4.27 it stated that there were six applications for self-build in the period up to July 2015, only three of which had been consented. This data relied entirely upon CIL self-build exemption applications.
- 4.7 It recommended that the Council monitor applications for self-build development and reference additional evidence which provides an indication of the level of demand stating that this could include online registers.

4.8 Paragraph 5.14 of the conclusions stated that there could be a future need arising from people wishing to build their own homes, particularly with the Government's ambition to increase the contribution of this type of development. But it went on to set out that *“establishing the level of demand for this type of development in Tandridge is, however, challenging.”*

4.9 It does not provide any further information to seek to understand and consider the future need for this type of housing in Tandridge.

Balancing Homes and Job Requirements in the Tandridge Local Plan Part A: Balancing the Number of Homes and Jobs (2016) – CD-6.13

4.10 The assessment does not contain any assessment of self-build and custom housebuilding, nor does it seek to understand and consider the future need for this type of housing in Tandridge.

Defining the Housing Market Area Updated Technical Paper (2018) – CD-6.17

4.11 The HMA Technical Paper does not contain any assessment of self-build and custom housebuilding, nor does it seek to understand and consider the future need for this type of housing in Tandridge.

Analysis of Market Signals Updated Technical Paper (2018) – CD-6.18

4.12 The Updated Technical Paper does not contain any assessment of self-build and custom housebuilding, nor does it seek to understand and consider the future need for this type of housing in Tandridge.

Addressing the Needs of All Household Types Updated Technical Paper (2018) – CD-6.19

4.13 The Technical Paper does not include any new consideration of people wishing to build their own homes and instead appends the 2015 iteration of the Technical Paper.

4.14 It does not provide any further information to seek to understand and consider the future need for this type of housing in Tandridge.

Regulation 19 Housing Topic Paper (2018) – CD-6.20

4.15 The 2018 Topic Paper does not contain any assessment of self-build and custom housebuilding, nor does it seek to understand and consider the future need for this type of housing in Tandridge.

Housing Topic Paper Addendum (2018) – CD-6.21

- 4.16 The 2018 Topic Paper Addendum does not contain any assessment of self-build and custom housebuilding, nor does it seek to understand and consider the future need for this type of housing in Tandridge.

Updating the Objectively Assessed Housing Needs of Tandridge (2018) – CD-6.22

- 4.17 The OAHN Update report does not contain any assessment of self-build and custom housebuilding, nor does it seek to understand and consider the future need for this type of housing in Tandridge.

Tandridge Local Plan 2033 Housing Topic Paper (2019) – CD-6.23

- 4.18 The 2019 Topic Paper does not contain any assessment of self-build and custom housebuilding, nor does it seek to understand and consider the future need for this type of housing in Tandridge.

Tandridge Housing Strategy 2019-2023 (February 2019) – CD-6.24

- 4.19 The Housing Strategy includes a section on self-build and custom housebuilding at page 22 and explains that in November 2017 the Housing Committee resolved to introduce a local connection test and financial solvency test and periodically review the fees for entry onto and retention on – the self-build register.
- 4.20 Policy HS3 to the strategy seeks to apply the following local connection criteria:
- Currently living in the district and have done so for at least one year; or
 - Have previously resided in the district 3 out of the last 5 years; or
 - Are Tandridge district key workers; or
 - Have immediate family who have lived in the district for 5 or more years and who need to move to the district to receive support from, or give support to, the applicant; or
 - Have been accepted as having another special reason they need to live in Tandridge; and
 - Applicants have to demonstrate that they hold sufficient savings and/or funding that can be secured to purchase the land required for the build which may be evidence of savings and/or a mortgage in principle.

- 4.21 Identified actions include to continue to administer the register and monitor the headlines through the Authority Monitoring Report.

The Self-Build Register in Tandridge

- 4.22 The Self-Build and Custom Housebuilding Act 2015 requires local authorities to keep a Register of households who wish to Self-Build or Custom Build in their administrative area. From 31 October 2016 amendments to the Act⁹ placed further duties on local authorities requiring them to grant sufficient development permissions for serviced plots of land to meet the demand arising from their Self-Build Register.
- 4.23 There are three data sources through which the Tandridge self-build register data has been collated, namely:
- Data returns to the Ministry of Housing, Communities and Local Government (MHCLG) (formerly DLUHC) on Right to Build Register monitoring;
 - The Tandridge Council Authority Monitoring Reports (AMRs) 2021/22 to 2023/24 2023/24; and
 - Freedom of information responses received (2023 and 2026¹⁰).

MHCLG Right to Build register monitoring (21 February 2025)

- 4.24 The Council's data returns to MHCLG cover Base Periods 1 to 9. A Local Connection Test (LCT) was introduced for entry onto the Tandridge self-build register on 1 April 2018 (six months into Base Period 3) which splits the register into two parts. Part 1 entries are those to whom the statutory duty applies. Although the statutory duty does not apply to Part 2 entries, they remain a material consideration.
- 4.25 The MHCLG data returns do not distinguish between how many Part 1 and Part 2 entries were added within a Base Period until the data returns for Base Period 8. Entries added to the register prior to the implementation of the LCT are all part 1 entries for the purposes of the application of the Section 2A duty.
- 4.26 Given that the LCT was introduced halfway through Base Period 3, it is not possible from the MHCLG data to ascertain how many of these joined in the first six months prior to its introduction. Therefore a 'worst case' scenario has been assumed whereby all entries in Base Period 3 have been assumed to have the LCT applied to them as it

⁹ Through the Housing and Planning Act (2016)

¹⁰ See **Appendix 1**

is not possible to distinguish between the entries that preceded its introduction within the Base Period itself.

- 4.27 What is clear however is that all entries for Base Periods 1 and 2 are ‘Part 1’ entries for the purposes of the Section 2A duty as they were added prior to the introduction of the LCT. The MHCLG data indicates a total of 126 Part 1 entries across these two Base Periods.

Tandridge Authority Monitoring Reports 2021/22 to 2023/24

2021/22 Tandridge AMR – CD-6.3

- 4.28 The Tandridge AMR for 2021/22 reveals at paragraph 11.8 that since the introduction of the Council’s new eligibility criteria and fees, to remain on the register applicants are required to pay an annual fee with the Council removing those who do not pay the annual retainer fee.
- 4.29 Paragraph 11.10 states that the Council will “*seek to take appropriate action to ensure sufficient suitable development permissions are granted to meet the level of need indicated by the register.*”
- 4.30 The 2021/22 AMR provides a comparison between the number of entries the Council state are on the register against the number of permissions the Council claim to have granted for self or custom build, as replicated in figure 4.1 below.

Figure 4.1: Self-build register entries and permissions -2021/22 AMR

Base Period	Date	Entries on Register	Number of self-build CIL Exemptions Granted for dwellings
1	01 April 2016 – 30 October 2016	Individuals = 61 Groups = 0	20
2	31 October 2016 – 30 October 2017	Individuals = 64 Groups = 0	32
3	31 October 2017 – 30 October 2018	Individuals = 4 ¹⁴ (Part 1 = 3 Part 2 = 1) Groups = 0	21
4	31 October 2018 – 30 October 2019	Individuals = 8 (Part 1 = 3 Part 2 = 5) Groups = 0	19
5	31 October 2019 – 30 October 2020	Individuals = 4 (Part 1 = 3 Part 2 = 1) Groups = 0	15
6	31 October 2020 – 30 October 2021	Individuals = 10 (Part 1 = 7 Part 2 = 3) Groups = 0	11
Total		Individuals = 10 (Part 1 = 7 Part 2 = 3) Groups = 0	118

Source: Tandridge AMR (2021/22)

- 4.31 The 2021/22 AMR incorrectly totals the number of part 1 entries across Base Periods 1 to 6 as 10, based on retrospective register removals and omitting Base Periods 1 and 2 entirely. The duty however applies to those who joined within a Base Period and not a retrospectively revised register.
- 4.32 Therefore, across Base Periods 1 to 6 the 2021/22 AMR shows there were a total of 141 Part 1 entries with a claimed supply of 118 plots which would indicate a shortfall of 23 plots.
- 4.33 Notably the supply relied upon in the 2021/22 AMR consists entirely of CIL exemptions and it is common ground¹¹ that CIL self-build exemptions in isolation are not a sufficiently robust method of recording permissions to meet registered demand. The CIL Amendment Regulations definition of a 'self-builder' does not meet the legislative definition of a self or custom-builder in the 2015 Self-Build and Custom Housebuilding Act (as amended).

2022/23 Tandridge AMR – CD-6.4

- 4.34 The 2022/23 AMR presents a different position to that of its predecessor.
- 4.35 As shown in figure 4.2 it indicates that the Council considers its supply position to have reduced to 65 (down from 118 the previous year) and the number of Part 1 entries to have increased to 17. As before it is entirely based on CIL exemptions which it is common ground¹² that in isolation are not a sufficiently robust method of recording permissions to meet registered demand
- 4.36 Once again Base Periods 1 and 2 are omitted from the calculation of the number of register entries despite these both being comprised entirely of Part 1 entries (totalling 125 applicants) contrary to the application of the Section 2A duty. The supply figures for each Base Period also bear no correlation to those presented in the 2021/22 AMR.
- 4.37 It is common ground¹³ that for the purposes of measuring demand and applying the Section 2A duty, the local connection test, financial solvency test and fees do not apply retrospectively to Base Periods that preceded their introduction.

¹¹ Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

¹² Paragraph 7.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

¹³ Paragraphs 6.2 to 6.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

Figure 4.2: Self-build register entries and permissions -2022/23 AMR

Base Period	Date	Number of entries (individuals)	Part 1	Part 2	Group	Number of self-build CIL exemptions granted for new dwellings
1	01 April 2016 – 30 October 2016	61	N/A	N/A	0	
2	31 October 2016 – 30 October 2017	64	N/A	N/A	0	
3	31 October 2017 – 30 October 2018	4 ^s	3	1	0	6
4	31 October 2018 – 30 October 2019	8	3	5	0	21
5	31 October 2019 – 30 October 2020	4	3	1	0	14
6	31 October 2020 – 30 October 2021	10	7	3	0	12
7	31 October 2021 – 30 October 2022	3	1	2	0	12
Total from 2018 - 2022		25	17	12	0	65

Source: Tandridge AMR (2022/23)

- 4.38 The 2022/23 AMR states at paragraph 70 that the number of permissions for self-build exceed the demand on the register. But that is not an accurate reflection of what is presented as no account has been taken of demand arising from Base Periods 1 and 2.
- 4.39 When the Part 1 entries from Base Periods 1 and 2 are included that results in a total of 142 entries across Base Periods 1 to 7, which when compared with the claimed supply position of 65 plots would indicate a shortfall of 77 plots. Once again supply consists entirely of CIL exemptions, and it is common ground¹⁴ that CIL self-build exemptions in isolation are not a sufficiently robust method of recording permissions to meet registered demand

¹⁴ Paragraph 7.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

4.40 Notably, paragraph 65 of the 2022/23 AMR states that “the level of demand for self-build and custom housebuilding in the area is established by reference to the number of entries added to the Council’s register during a base period”.

4.41 In other words, demand is not measured against a register that has been subject to retrospective removals.

2023/24 Tandridge AMR – CD-6.5

4.42 The 2023/24 AMR claims a total of 23 Part 1 entries but again omits the 125 Part 1 entries in Base Periods 1 and 2 within this calculation. It claims a further 18 plots in supply in the monitoring period as show in figure 4.3.

Figure 4.3: Self-build register entries and permissions -2023/24 AMR

Base Period	Date	Number of entries (individuals)	Part 1	Part 2	Group	CIL exemptions granted for new dwellings
1	01 April 2016 – 30 October 2016	61	N/A	N/A	0	0
2	31 October 2016 – 30 October 2017	64	N/A	N/A	0	0
3	31 October 2017 – 30 October 2018	4 ¹⁸	3	1	0	6
4	31 October 2018 – 30 October 2019	8	3	5	0	21
5	31 October 2019 – 30 October 2020	4	3	1	0	14
6	31 October 2020 – 30 October 2021	10	7	3	0	12
7	31 October 2021 – 30 October 2022	3	1	2	0	12
8	31 October 2022 – 30 October 2023	7	6	1	0	18
Total from 2018 - 2023		32	23	13	0	83

Source: Tandridge AMR (2023/24)

4.43 When the Part 1 entries from Base Periods 1 and 2 are included that results in a total of 148 Part 1 entries across Base Periods 1 to 8, which when compared with the claimed supply position of 83 plots would indicate a shortfall of 65 plots. Once again supply consists entirely of CIL exemptions, and it is common ground¹⁵ that CIL self-build exemptions in isolation are not a sufficiently robust method of recording permissions to meet registered demand

¹⁵ Paragraph 7.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

Freedom of information responses (March and May 2023 and 8 January 2026)

- 4.44 The FOI data received in March 2023 replicated the data presented in the 2021/22 AMR.
- 4.45 A further FOI request was submitted on 15 December 2025. The FOI data received on 8 January 2026 advised that the Council would be unable to provide the requested information within the statutory 20 working day timeframe and that they aim to provide a response by 12 February 2026, two days after the original date for exchange of evidence and one day prior to the extended date for exchange of evidence.
- 4.46 As a result, the Appellant is unable to draw any meaningful conclusions from the FOI request made in December 2025 as I have yet to receive the Council's response at the time of finalising this proof of evidence.
- 4.47 It is necessary therefore for me to reserve the right to produce supplemental evidence in respect of self-build and custom housebuilding if required on receipt of the FOI data following exchange of evidence.

The Part 1 Self-Build Register in Tandridge

- 4.48 The AMR and FOI responses incorrectly fail to include Base Periods 1 and 2 in measuring statutory duty performance contrary to the legislative provisions of the 2015 Act (as amended). MHCLG data returns indicate a total of 126 Part 1 entries across Base Periods 1 and 2 to which the Section 2A duty applies.
- 4.49 Figure 4.4 sets out the number of Part 1 entries to which the statutory duty is applied with this data comprised of the MHCLG data returns for Base Periods 1 to 2 and then the FOI response data for Base Periods 3 to 8, resulting in a total of 149 Part 1 entries in Tandridge. It is common ground¹⁶ that across Base Period 1 to 8 there are a total of 149 Part 1 register entries to whom the Section 2A statutory duty applies.

¹⁶ Paragraph 6.5 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

Figure 4.4: Tandridge Self-Build Register Part 1 to which the statutory duty applies

Base Period	Start and Finish Dates	FOI Response Part 1 Register Entries	MHCLG Data Returns Part 1 Register Entries	Date by which permissions must be granted
1	31 April 2016 to 30 October 2016	-	63	30 October 2019
2	31 October 2016 to 30 October 2017	-	63	30 October 2020
3	31 October 2017 to 30 October 2018	3		30 October 2021
4	31 October 2018 to 30 October 2019	3	-	30 October 2022
5	31 October 2019 to 30 October 2020	3	-	30 October 2023
6	31 October 2020 to 30 October 2021	7	-	30 October 2024
7	31 October 2021 to 30 October 2022	1	-	30 October 2025
8	31 October 2022 to 30 October 2023	6		30 October 2026
Total Part 1 Entries		149		

Source: FOI Response (March and May 2023 and 8 January 2026); MHCLG Right to Build Register Monitoring (2025)

Suppression of self-build register entries in Tandridge

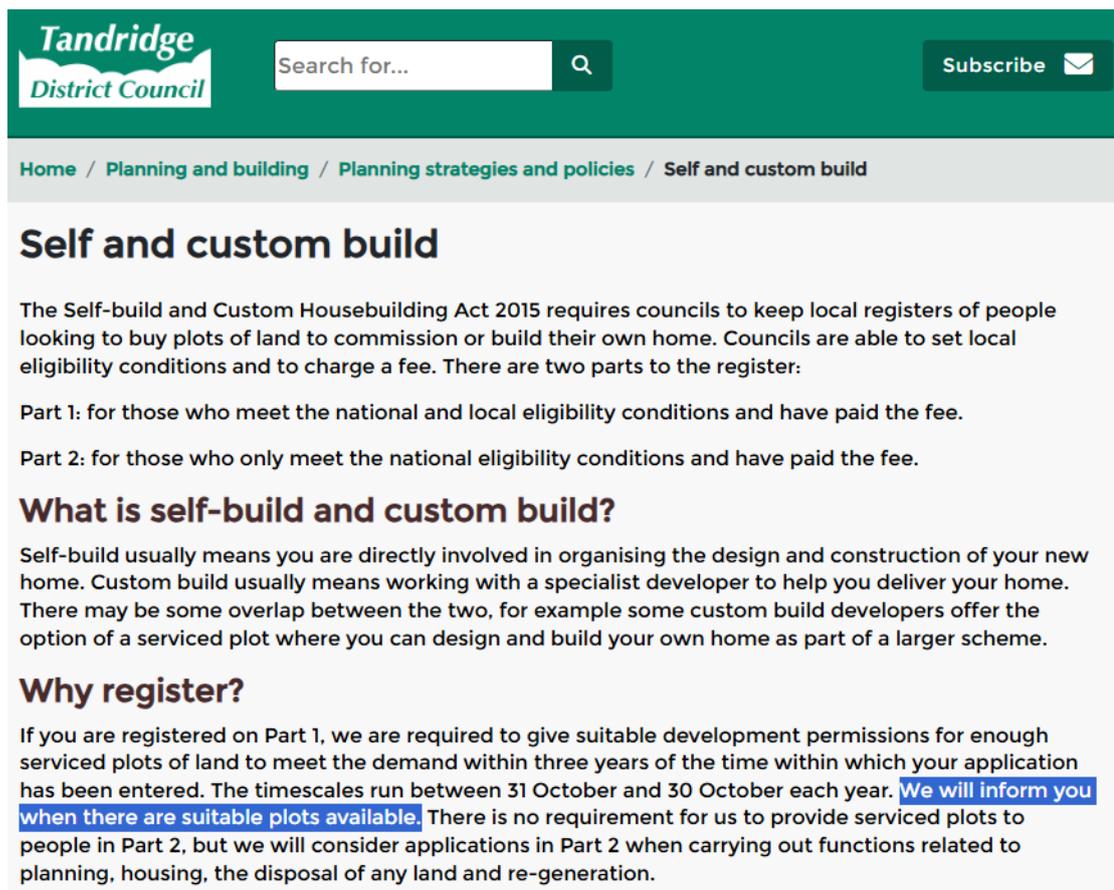
- 4.50 In November 2017 the Council resolved through its Housing Committee (**CD-6.25**) to introduce a local connection test, as well as a financial solvency test, together with both an initial entry fee and an annual retainer fee for those seeking to join the self-build register.
- 4.51 As is illustrated by figure 4.4, the effect of this in suppressing registrations is stark with Part 1 entries falling from 63 per annum in both Base Periods 1 and 2, to an average of four per annum across base Periods 3 to 8.
- 4.52 The self-build and custom housebuilding section of the PPG¹⁷ (**CD-5.11**) states in respect of local connection tests and financial solvency tests that the Government “*expects that relevant authorities will apply one or both of these tests only where they*

¹⁷ Paragraph: 019 Reference ID: 67-019-20210208

have a strong justification for doing so” and that authorities should “ensure that they provide clear information to individuals and groups on the rational underpinning local eligibility tests”

- 4.53 The ‘strong justification’ required by the PPG for the introduction of the tests was said by the Council in its Committee report to be the challenge they faced in identifying enough land to meet its housing need due to the amount of Metropolitan Green Belt, National Landscapes (formerly known as Areas of Outstanding Natural Beauty) and areas of flooding within the authority area.
- 4.54 The local connection test adopted the same criteria as that utilised for the Council’s Housing Allocation Scheme for affordable housing.
- 4.55 The financial solvency test required applicants to declare what sources of finance are available to them for funding their project in the form of savings and/or mortgage in principle. If the information was not provided within six weeks, then the entrant was removed from Part 1.
- 4.56 The Committee also resolved to introduce a fee of £100 for entry onto the register, with an annual retainer fee of £25 to remain on it.
- 4.57 The conclusions to the committee report stated that *“the 2016 Regulations place a duty on relevant authorities to provide suitable development permissions to meet the demand for self-build and custom housebuilding in their area. In light of this duty and the constrained availability of land for development within this district it is considered there is strong justification for applying local eligibility criteria, comprising both a local connection test and a financial solvency test as allowed by the 2016 Regulations. By applying these criteria, it will enable the authority to address local demand, where there is a realistic chance of the serviced plots being developed.”*
- 4.58 Figure 4.5 contains an extract taken from the Council’s self-build and custom housebuilding webpage which states that the Council will advise those on the register when there are suitable plots available.

Figure 4.5: Extract from Tandridge self-build and custom housebuilding webpage



Tandridge District Council Search for...

Home / Planning and building / Planning strategies and policies / Self and custom build

Self and custom build

The Self-build and Custom Housebuilding Act 2015 requires councils to keep local registers of people looking to buy plots of land to commission or build their own home. Councils are able to set local eligibility conditions and to charge a fee. There are two parts to the register:

Part 1: for those who meet the national and local eligibility conditions and have paid the fee.

Part 2: for those who only meet the national eligibility conditions and have paid the fee.

What is self-build and custom build?

Self-build usually means you are directly involved in organising the design and construction of your new home. Custom build usually means working with a specialist developer to help you deliver your home. There may be some overlap between the two, for example some custom build developers offer the option of a serviced plot where you can design and build your own home as part of a larger scheme.

Why register?

If you are registered on Part 1, we are required to give suitable development permissions for enough serviced plots of land to meet the demand within three years of the time within which your application has been entered. The timescales run between 31 October and 30 October each year. **We will inform you when there are suitable plots available.** There is no requirement for us to provide serviced plots to people in Part 2, but we will consider applications in Part 2 when carrying out functions related to planning, housing, the disposal of any land and re-generation.

Source: <https://www.tandridge.gov.uk/Planning-and-building/Planning-strategies-and-policies/Self-and-custom-build> [accessed 6 February 2026]

- 4.59 The FOI response of March 2023 (**Appendix 1**) illustrates that not only did the Council not alert entrants to any permissions for self and custom build granted, but it had also not matched a single register entrant with a permission granted.
- 4.60 It is questionable therefore what the purpose of either of the tests are other than to suppress the number of register entries, given that no attempt appears to be made by the Council to assist those on the register with finding a suitable plot with permission.
- 4.61 The financial solvency test does not appear to be designed to allow for existing assets (such as property) to be considered in assessing whether an applicant would be able to access the requisite funds required. The Committee report indicates that land price data from the Valuation Office Agency (VOA) would be used as a comparator, but the price of land would vary considerably in different locations across the authority area for many different reasons so it is again unclear how this could be applied in any meaningful way.

4.62 One must also then question why anybody would be willing to pay £100 to join the register and then £25 per annum - with no apparent end date to such payments – to remain on it when they appear to receive nothing meaningful in return.

Retrospective removal of self-build register entries

4.63 The legislation is clear at Section 2A(2) that:

“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.”

4.64 It goes on at Section 2A(6)(a) to (aa) to clarify that:

(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 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” (emphasis added).

4.65 The primary legislation is clear that performance against the statutory duty applies to number of entries that were added during that Base Period – and not against a retrospectively revised Self-Build Register.

4.66 Therefore, the legislation is clear that retrospectively removing entrants from the self-build register does not absolve the Council of the statutory duty to meet the needs of those that had already joined the register in earlier Base Periods.

4.67 The way the legislation is to be applied was subject to discussion in the May 2024 appeal decision relating to land adjacent to 110 Ribchester Road, Clayton Le Dale, Blackburn¹⁸.

4.68 At paragraph 11 Inspector Partington stated that *“I have been provided with differing figures for both the demand for, and supply of, self-build and custom housebuilding in the borough by the appellant and the Council. However, section 123 of the Levelling-up and Regeneration Act 2023 which came into force on 31 January 2024 made changes to the way both the demand and supply of self-build and custom housebuilding are to be calculated.”*

4.69 Clarifying the position at paragraph 12 the Inspector set out that:

“Demand is evidenced not by the number of people on the register at any one time but by the number of entries added to the register in each base period. Whilst authorities may remove individual details from the register, the number of entries remains the same, and retrospective removal of an entry does not reduce the demand figure. Moreover, unmet demand is now cumulative, so any demand that has not been met within the three year compliance period does not dissipate but rolls over and remains part of the demand that an authority has to meet.”

6.1 It is relevant in this context to note that it is common ground that:

- There are no transitional arrangements relating to Section 123 of the LURA and therefore the provisions are to be applied retrospectively since the coming into force of the statutory duty in 2016 through amendments made in the Housing and Planning Act. The demand figure is the total number of individuals (or groups) that have registered over the full period on Part 1 of the Register, calculated cumulatively¹⁹.
- The Council are statutorily required to have addressed demand arising within a Base Period within three years of the end of each respective Base Period under the legislative requirements of the 2015 Self-Build and Custom Housebuilding Act (as amended) and the Self-Build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016²⁰.

¹⁸ CD-10.21

¹⁹ Paragraph 2.6 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

²⁰ Paragraph 2.7 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

- For the purposes of measuring demand and applying the Section 2A duty the local connection test, financial solvency test and fees do not apply retrospectively to the Base Periods that preceded their introduction²¹.
- Across Base Periods 1 to 8 there are a total of 149 Part 1 register entries to whom the statutory duty applies²².
- The Base Periods of particular relevance to the appeal proposal are Base Periods 1 to 8 as the Council are statutorily required to have addressed demand arising from these Base Periods by 30 October 2026. The demand for this period is 149 plots²³.

Secondary data sources

4.70 The self-build and custom housebuilding section of the PPG²⁴ explains that local authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources, to understand and consider future need for this type of housing in their area. It states that:

“Secondary sources can include data from building plot search websites, enquiries for building plots recorded by local estate agents and surveys of local residents. Demand assessment tools can also be utilised.”

Custom Build Homes Group Demand Data

4.71 Information received from Custom Build Homes Group (**Appendix 2**) shows that in January 2026 within postcode areas covering the Tandridge administrative area there were 603 registrants on Custom Build Homes’ Right to Build Register who were seeking to create their own self-build or customisable home.

4.72 At a more localised level, the Custom Build Homes Group data found that in January 2026 there were 51 registrants on Custom Build Homes Group databases who were seeking to create their own self-build or customisable home within postcode areas which cover Nutfield Parish. This is a sub-set of the wider dataset of post-codes that cover the Tandridge authority area.

4.73 It is acknowledged that there may be some people who are registered on the Council’s Self-Build Register as well as the Custom Build Homes Group register. Nevertheless, the figures on the Custom Build Homes Group platform indicate that there remains a

²¹ Paragraph 6.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

²² Paragraph 6.5 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

²³ Paragraph 6.6 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

²⁴ Paragraph: 011 Reference ID: 57-011-20210208

substantial level of unmet demand for this type of housing in both Nutfield Parish and Tandridge.

Ipsos Mori and NaCSBA Polling

- 4.74 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. Numbers on the Self-Build Register can therefore be a significant under-representation of latent demand.
- 4.75 Other data sources indicate that the actual demand for Self-Build and Custom Housebuilding plots is higher than indicated by the Council's Self-Build Register including Ipsos Mori statistics and ONS population estimates.
- 4.76 The Ipsos Mori statistics commissioned by NaCSBA have consistently shown²⁵ that 1 in 50 of the adult population wish to self or custom build.
- 4.77 Whilst it is acknowledged that this secondary data utilises national data and applies it on a localised level, when taking into account Tandridge Council's adult population²⁶ (73,431 based on ONS data) it results in an estimated 1,469 people who may be interested in building their own home across the Tandridge Council area in the foreseeable future.

AMA Market Research

- 4.78 Data collected at a national level by AMA Market Research²⁷ indicates that self and custom build accounts for around 7-10% of housebuilding across the UK. Applying this 7-10% range to the housing need identified by the standard method for Tandridge²⁸ would result in an estimated need for between 59 to 84 self-build and custom housebuilding plots per annum.
- 4.79 Whilst it is acknowledged that this secondary data utilises national data and applies it on a localised level, when applying this range to the emerging Local Plan period which is proposed to run from 2024 to 2044 this would result in an estimated overall need for between 1,180 and 1,680 self-build and custom housebuilding plots over the 20-year period.

²⁵ 2013 to 2020 surveys of 2,000 people aged 15+ with survey data weighted to the known population profile.

²⁶ Those aged 16 and over- ONS population estimates by local authority based on single year of age [extracted from NOMIS January 2026]

²⁷ House of Commons Briefing Paper No. 06784 – Self-Build and Custom Build Housing (England)

²⁸ 843 dwellings per annum (December 2024 Standard Method)

- 4.80 Secondary data sources indicate that estimated demand for self-build and custom housebuilding across Tandridge may be substantially higher than the numbers on the Self-Build Register suggests.
- 4.81 In this context, it is relevant to note that national surveys²⁹ have revealed that eight out of 10 people were unaware that Council's keep a Register of people seeking a plot for a self-build and custom housebuilding project.
- 4.82 Considering which, I am of the view that latent demand is likely to be considerably higher than currently recorded on the Council's own Self-Build Register.

Secondary data sources – Other relevant appeals

- 4.83 The importance of secondary data sources was recognised by Inspector Mike Hayden in the 11 August 2020 appeal decision in relation to land at Pear Tree Lane, Euxton³⁰. In his report at paragraph 60, Inspector Hayden held that:

“The PPG advises that data on registers can be supplemented from secondary data sources to obtain a robust assessment of demand. The Buildstore Custom Build Register, the largest national database of demand for self and custom build properties, has 185 people registered as looking to build in Chorley, with 699 subscribers to its PlotSearch service. Data from a national survey conducted by Ipsos Mori for the National Custom and Self-Build Association, when applied to Chorley's population, indicates that as many as 1,929 people may wish to purchase serviced plots in Chorley over the next 12 months”.

- 4.84 Paragraph 60 concluded that:

“They provide evidence of a greater level of demand for self-build than the Council's register shows.”

- 4.85 The relevance of the use of secondary data sources was also referenced in the June 2021 appeal decision relating to land off Bullens Green Lane, Colney Heath³¹ with Inspector Masters setting out at paragraph 50 of her decision how *“the Planning Practice Guidance advises that local authorities should use the demand data from registers, supported by additional data from secondary sources, to understand and consider future need for this type pf housing in their area.”*

²⁹ Ipsos Mori polls commissioned by NaCSBA between 2014 to 2020.

³⁰ CD-10.10

³¹ CD-10.13

- 4.86 She went on at paragraph 51 to explain that “*neither authority has an up-to-date assessment of likely future demand for this type of housing in line with the planning practice guidance*” and that “*the appellant provided detailed evidence in relation to the Custom Build Register, none of which was disputed*”.
- 4.87 In setting out how the two relevant authorities had not met their statutory duty, Inspector Masters also found at paragraph 51 that “*taking into account other secondary data sources, these shortfalls may well be on the conservative side*”.

Conclusions on self-build and custom housebuilding demand in Tandridge

- 4.88 The 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, but it cannot predict longer term demand for plots.
- 4.89 The PPG explains that local authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources, to understand and consider future need for this type of housing in their area.
- 4.90 Notwithstanding this, there were 149 cumulative Part 1 entries on the Tandridge Area self-build register across Base Periods 1 to 8 seeking a serviced plot to build or commission their own home and to whom the Section 2A statutory duty applies.
- 4.91 It is common ground that for the purposes of measuring demand and applying the Section 2A duty the local connection test, financial solvency test and fees do not apply retrospectively to Base Periods that preceded their introduction³². And that across Base Periods 1 to 8 there are a total of 149 Part 1 register entries to whom the statutory duty applies³³.
- 4.92 I consider 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. It is considered therefore that the numbers on the Self-Build Register can be a significant under-representation of latent demand.
- 4.93 The Council has not considered secondary data sources to understand and consider the future need for this type of housing in their area.

³² Paragraph 6.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

³³ Paragraph 6.5 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

4.94 Consideration of secondary data sources within my evidence indicates that in Tandridge:

- It is estimated that as many as 1,469 people may be interested in building their own home across the authority area in the foreseeable future when national survey data is applied to ONS adult population data for Tandridge.
- It is estimated that there may be a need for between 1,180 and 1,680 self-build and custom housebuilding plots over the 20-year emerging period when national data on self and custom build is applied to the standard method figure for Tandridge.
- Within postcode areas covering the Tandridge Council administrative area in January 2026 there were 603 registrants on Custom Build Homes' Group Right to Build Register who were seeking a plot to create their own self-build or customisable home.
- A sub-set of this dataset found that in January 2026 there were 51 registrants on Custom Build Homes Group databases who were seeking to create their own self-build or customisable home within postcode areas which cover Nutfield Parish.

4.95 The importance of secondary data sources when considering demand was recognised by Inspector Hayden in the Pear Tree Lane decision³⁴ and Inspector Masters in the Bullen's Green Lane, Colney Heath decision³⁵.

4.96 There remains a substantial level of unmet need for this type of housing in Tandridge.

³⁴ CD-10.10

³⁵ CD-10.13

Supply of Self-Build and Custom Housebuilding in Tandridge

Section 5

The Section 2A Duty to Grant Planning Permission

- 5.1 The 2015 Self-Build and Custom Housebuilding Act (as amended) requires enough planning permissions for plots to be granted to meet the demand for self-build and custom housebuilding, noting that the level of demand is established by reference to the number of entries added to the self-build register during a Base Period.
- 5.2 At the end of each Base Period, the authority has three years in which to permission an equivalent number of plots for self-build and custom housebuilding which meet the definitions set out in the Act, as there are entries for that Base Period.
- 5.3 The definition of what constitutes self-build and custom housebuilding is set out at section 1(A1) and 1(A2) of the Act (as amended) as follows:
- “(A1) In this Act ‘Self-Build and Custom housebuilding’ means the building or completions 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”.*
- 5.4 It is common ground that without an enforceable mechanism such as a planning obligation or condition to secure provision of a permission, or part thereof, as self-build and custom housebuilding there is no certainty that this is what will be delivered or that it would meet the legal definitions³⁶.

³⁶ Paragraph 7.3 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

Self-build and custom housebuilding permissions in Tandridge

5.5 There are three data sets to consider in respect of the supply of permissions for self-build and custom housebuilding in Tandridge, these comprise:

- Data returns to MHCLG on Right to Build Register Monitoring;
- The Tandridge Council Authority Monitoring Reports (AMRs) 2021/22 to 2023/24 2023/24; and
- Freedom of information responses received (2023 and 2026³⁷).

MHCLG Right to Build Register monitoring (21 February 2025)

5.6 The Council's data returns to MHCLG indicate a total of 111 plots permissioned across Base Periods 1 to 9 with these all attributed towards demand arising from Base Period 1 to 5.

Tandridge Authority Monitoring Reports 2021/22 to 2023/24

5.7 The position in claimed supply differs between the 2021/22 AMR and the two AMRs that follow it. In the 2021/22 AMR the Council report a claimed supply of 118 plots, whilst the 2022/23 AMR reports a claimed supply of sixty-five and the 2023/24 AMR reports a claimed supply of eighty-eight plots, both of which are lower than the figure reported in the first AMR.

5.8 The claimed supply in the AMRs appears to be based entirely upon CIL self-build exemption applications.

7.1 In this context it is relevant to note that it is common ground that CIL self-build exemptions in isolation are not a sufficiently robust method of recording permissions to meet registered demand. The CIL Amendment Regulations definition of a 'self-builder' does not meet the legislative definition of a self or custom-builder in the 2015 Self-Build and Custom Housebuilding Act (as amended)³⁸.

5.9 And it is also common ground that without an enforceable mechanism such as a planning obligation or condition to secure provision of a permission, or part thereof, as self-build and custom housebuilding there is no certainty that this is what will be delivered or that it would meet the legal definitions³⁹.

³⁷ See **Appendix 1**

³⁸ Paragraph 7.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

³⁹ Paragraph 7.3 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

Freedom of information responses (March and May 2023 and 8 January 2026)

- 5.10 The FOI data received in March 2023 replicated the data presented in the 2021/22 AMR.
- 5.11 The FOI data received in May 2023 advised that the Council did not hold any information relating to the number of permissions it had granted for self-build and custom housebuilding across Base Periods 1 to 8, despite the AMRs for 2021/22 and 2022/23 claiming supply of 118 and 65 respectively.
- 5.12 A further FOI request was submitted on 15 December 2025. The FOI data received on 8 January 2026 advised that the Council would be unable to provide the requested information within the statutory 20 working day timeframe and that they aim to provide a response by 12 February 2026, two days after the original date for exchange of evidence and one day prior to the extended date for exchange of evidence.
- 5.13 As a result, the Appellant is unable to draw any meaningful conclusions from the FOI request made in December 2025 as I have yet to receive the Council's response at the time of writing this proof of evidence.
- 5.14 It is necessary therefore for me to reserve the right to produce supplemental evidence in respect of self-build and custom housebuilding if required on receipt of the FOI data following exchange of evidence

Summary of the self-build and custom housebuilding supply position in Tandridge

- 5.15 Across all three datasets the Council appears to rely predominantly upon CIL self-build exemption applications. However, I do not consider reliance upon such exemptions to be a robust approach to monitoring the actual supply of permissions for self-build and custom housebuilding – a position that is supported by a recent appeal decision.
- 5.16 In the 5 August 2025 appeal decision relating to land west of Leighton Buzzard Road, Hemel Hempstead (**CD-10.25**) at paragraph 137 Inspector Dillon set out that:
- “Community Infrastructure Levy (CIL) self-build exemption applications are not a reliable proxy for the actual level of the supply of this housing product. This is because the Borough Council’s duty applies to the grant of development permission and the CIL Regulations provide a different definition of this housing product for their own distinct purpose.*
- 5.17 Furthermore, at paragraph 138 the Inspector recorded that:

“The Borough Council has not clearly demonstrated that it had interrogated each permission against the definition in the Self-build and Custom Housebuilding Act (2015), whereas the appellant has.”

- 5.18 It is particularly relevant to note that the CIL Regulations do not correlate with the Self-Build and Custom Housebuilding legislation or the provisions of the self build and custom housebuilding section of the PPG.
- 5.19 To qualify for the CIL self-build exemption there is no requirement to have had primary input into design and layout which means there can be no certainty that the legislative definitions at Section 1(A1) and 1(A2) of the 2015 Act (as amended) are achieved.
- 5.20 For example, Landowner A could achieve full planning permission and sell the land with permission to Purchaser B who then builds (or commission someone to build for them) the home in line with the permission for which they had no input whatsoever into design and layout and yet they can still achieve the CIL self-build exemption under the CIL Regulations.
- 5.21 When one considers this against the definition of a self or custom-builder at Section (1)(A2) of the 2015 Act (as amended) it is clearly stated there that: “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”
- 5.22 Plainly such a scenario would not meet with the legislative requirements under Section 2A of the Act and nor could the Council be satisfied that the development permission being counted meets the legislative requirements as required by the PPG⁴⁰.
- 5.23 There is considerable uncertainty therefore as to the robustness of counting CIL self-build exemptions without further interrogation of the data, particularly when only monitoring CIL Form 7 Part 1. This illustrates why the reliance upon CIL exemptions as a proxy for self-build supply without any further interrogation of the dataset is fundamentally flawed.
- 5.24 The parties are agreed that CIL self-build exemptions in isolation are not a sufficiently robust method of recording permissions to meet registered demand. The CIL Amendment Regulations definition of a ‘self-builder’ does not meet the legislative definition of a self or custom-builder in the 2015 Self-Build and Custom Housebuilding Act (as amended)⁴¹.

⁴⁰ Paragraph: 038 Reference ID: 57-038-20210508

⁴¹ Paragraph 7.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

- 5.25 In addition to which one must also consider the amendments to the 2015 Self-Build and Custom Housebuilding Act (as amended) through the 2023 LURA which makes clear at Section 2A(2) that in the context of the statutory duty, development permissions that are counted towards this must be *“for the carrying out of self-build and custom housebuilding”* on serviced plots. Where such permissions are secured by condition or legal agreement then this provides certainty in this regard.
- 5.26 The explanatory notes to the LURA amendments set out that the revisions to the 2015 Act were made *“to ensure that only planning permissions that are specifically to be built out for self or custom build (for example via a planning condition or obligations) qualify towards meeting demand.”*
- 5.27 The parties agree that without an enforceable mechanism such as a planning obligation or condition to secure provision of a permission, or part thereof, as self-build and custom housebuilding there is no certainty that this is what will be delivered or that it would meet the legal definitions⁴².

Statutory duty performance in Tandridge

- 5.28 Section 4 of my evidence set out the number of Part 1 entries on the Tandridge Self-Build register to which the statutory duty to grant planning permission applies and it is common ground that across Base Periods 1 to 8 there are a total of 149 Part 1 entries to which the statutory duty applies⁴³.
- 5.29 There are two positions in respect of supply, that presented by the Council within its most recently published AMR in the absence of more up to date FOI data requested 15 December 2025 which the Council has failed to supply in line with the statutory 20 working day deadline at the time of writing this proof of evidence.
- 5.30 And that of the Appellant. In the Council’s FOI response of 2023 information was requested on both the number of permissions and the application references for all of those the Council was counting towards its statutory duty. As can be seen in **Appendix 1**, the question asked by the Appellant was for information on:

“The number of Self-Build and/or Custom Housebuilding planning permissions and/or permissions in principle the Council has granted towards addressing demand arising from within each of the following Base Periods under Section 2A(2) of the Self-Build

⁴² Paragraph 7.3 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

⁴³ Paragraph 6.5 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

and Custom Housebuilding Act 2015 (as amended), together with the application reference numbers.

- *Base Period 1 (from the start of the Self-Build Register up to 30 October 2016)*
- *Base Period 2 (31 October 2016 to 30 October 2017)*
- *Base Period 3 (31 October 2017 to 30 October 2018)*
- *Base Period 4 (31 October 2018 to 30 October 2019)*
- *Base Period 5 (31 October 2019 to 30 October 2020)*
- *Base Period 6 (31 October 2020 to 30 October 2021)*
- *Base Period 7 (31 October 2021 to 30 October 2022)*
- *Base Period 8 (31 October 2022 to present)."*

5.31 The response provided by the local authority was that *"the Council does not hold any of the information in relation to Question 7 in your request"*

5.32 In the absence of the Council being able to evidence the permissions it seeks to rely upon, the Appellant has interrogated the Councils planning applications search facility by Parish for determined applications between 1 November 2016 and 6 February 2026 utilising the terms:

- Self build
- Self-build
- Custom build
- Custom-build
- Custom housebuilding
- Custom-housebuilding

5.33 This search returned a total of four approved applications for five self-build and custom housebuilding dwellings as shown in figure 5.1.

Figure 5.1: Results from Tandridge Council application portal search

Parish	P/A	Address	Description	Decision	Date of consent	Mechanism to secure	No. of units
Dormansland	2025/412	Lady Cross Paddocks, Mutton Hill, Dormansland	Erection of 1 self-build dwelling, parking and landscape	Approved	19 June 2025	Condition 11	1
Limpsfield	2024/390	Former Greenheye, Uvedale Road, Limpsfield, Oxted	Phased development comprising: Phase 1: Demolition of existing dwelling, Phase 2: Erection of 1x self-build dwelling, and Phase 3: Erection of 1x self-build dwelling. (Amended Plans)	Approved	24 July 2024	Condition 6	2
Tatsfield	2025/358	Meadow Bank, Goatsfield Road, Tatsfield, Westerham	Erection of self-build dwelling with demolition of existing outbuildings, and hard and soft landscaping.	Approved	7 August 2025	Condition 15	1
Warlingham	2024/1261	Land Adjacent To 4 Landscape Road, Warlingham	Erection of a single family dwelling house (Self-build /Custom build)	Approved	17 February 2025	None	1
Total							5

Source: <https://tdcplanningsearch.tandridge.gov.uk/#TDCInfo> [accessed 6 February 2026]

- 5.34 Figure 5.2 illustrates the position in respect of statutory duty performance when using the Council's supply position set out in its most recent AMR.
- 5.35 This illustrates that when the correct Part 1 register entry numbers are used to compare statutory duty performance against the Council's supply position contained within its most recent AMR (without any interrogation of the evidence contained within those applications) then there remains a cumulative shortfall of 66 plots across Base Periods 1 to 8.

Figure 5.2: Statutory duty performance in Tandridge – The Councils supply position based on the 2023/24 AMR

Base Period	No. of Part 1 Entries	Long-stop date to Meet Demand	No. of plots permitted	Base Period Shortfall/Surplus	Cumulative shortfall/surplus
1 (1 April 2016 to 30 October 2016)	63	30 October 2019	0	-63	-63
2 (31 October 2016 to 30 October 2017)	63	30 October 2020	0	-63	-126
3 (31 October 2017 to 30 October 2018)	3	30 October 2021	6	+3	-123
4 (31 October 2018 to 30 October 2019)	3	30 October 2022	21	+18	-105
5 (31 October 2019 to 30 October 2020)	3	30 October 2023	14	+11	-94
6 (31 October 2020 to 30 October 2021)	7	30 October 2024	12	+5	-89
7 (31 October 2021 to 30 October 2022)	1	30 October 2025	12	+11	-78
8 (31 October 2022 to 30 October 2023)	6	30 October 2026	18	+12	-66
Totals	149	Totals	83	-66	

Source: MHCLG Self-Build Data returns (February 2025), Tandridge AMR (2023/24)

- 5.36 Figure 5.3 illustrates the position in respect of statutory duty performance based upon the supply sites identified through the Appellants search of the Council's online application search facility following interrogation of the application material to consider whether there is any mechanism to secure the permissions as self-build and custom house building⁴⁴.
- 5.37 The Council has applied conditions as the mechanism to secure self-build and custom housebuilding in three of the four approved applications. One of the approved applications contains no mechanism to secure delivery as self and custom build.
- 5.38 Where conditions have been used, the wording of those conditions is as follows in 2025/412, 2024/390 and 2025/358:
- i. *The dwellings hereby permitted shall be constructed as self-build dwellings within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015 (or any Act revoking and re-enacting that Act with or without modification).*
 - ii. *The first occupation of the dwellings hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who will live in the dwelling for at least 3 years.*
 - iii. *Prior to the first occupation of the dwellings the Council shall be notified of the person(s) who will take up first occupation of the dwelling.*
- 5.39 The reasoning states that “*this condition is required to ensure the development is a self-build in accordance with the definition*”.
- 5.40 Figure 5.3 illustrates that there is a cumulative shortfall of 145 plots relative to the statutory duty across Base Periods 1 to 8 and statutory duty failure in every single Base Periods to date other than Base Period 7.

⁴⁴ It is common ground that without an enforceable mechanism such as a planning obligation or condition to secure provision of a permission, or part thereof, as self-build and custom housebuilding there is no certainty that this is what will be delivered or that it would meet the legal definitions (February 2026 Self-build and custom housebuilding Statement of Common Ground, paragraph 7.3)

Figure 5.3: Statutory duty performance in Tandridge – The Appellant’s supply position

Base Period	No. of Part 1 Entries	Long-stop date to Meet Demand	No. of plots permitted	Base Period Shortfall/ Surplus	Cumulative shortfall/surplus
1 (1 April 2016 to 30 October 2016)	63	30 October 2019	0	63	63
2 (31 October 2016 to 30 October 2017)	63	30 October 2020	0	63	126
3 (31 October 2017 to 30 October 2018)	3	30 October 2021	0	3	129
4 (31 October 2018 to 30 October 2019)	3	30 October 2022	0	3	132
5 (31 October 2019 to 30 October 2020)	3	30 October 2023	0	3	135
6 (31 October 2020 to 30 October 2021)	7	30 October 2024	2	5	140
7 (31 October 2021 to 30 October 2022)	1	30 October 2025	2	+1	139
8 (31 October 2022 to 30 October 2023)	6	30 October 2026	0	6	145
Totals	149	Totals	4	-145	

Source: MHCLG Self-Build Data returns (February 2025), Tandridge AMR (2023/24), <https://tdcplanningsearch.tandridge.gov.uk/#TDCInfo> [accessed 6 February 2026]

- 5.41 The Appellant's position is that when the correct Part 1 register entry numbers are used to compare statutory duty performance against the position on supply then there remains a cumulative shortfall of 144 plots across Base Periods 1 to 8.

Future delivery of self-build and custom housebuilding plots in Tandridge

- 5.42 The adopted Development Plan in Tandridge does not contain any policies relating to self-build or custom housebuilding and the emerging Plan is at such an early stage of development there are not yet any draft Policies that have been subject to consultation. According to their most recently LDS the Council do not anticipate adoption of the emerging Plan until at least July 2028.
- 5.43 Resultantly, neither the Development Plan nor the emerging Plan appears likely to make any meaningful contribution to address the substantive shortfall in serviced plot provision relative to the statutory duty that has already accrued.
- 5.44 The appeal site which makes provision for serviced plots secured by legal agreement despite there being no policy requirement for them to do so, is therefore necessary to help address this particular unmet housing need in Tandridge.

Conclusions on self-build and custom housebuilding supply in Tandridge

- 5.45 In Tandridge there are a total of 149 Part 1 register entries to which the statutory duty applies between Base Periods 1 to 8. The self-build and custom housebuilding statement of common ground (February 2026) records at paragraph 6.5 that this is agreed between the parties.
- 5.46 The Council appears to rely predominantly on CIL self-build exemptions as a proxy for the supply of self-build and custom housebuilding permissions. However, I do not consider reliance upon such exemptions a robust approach to monitoring the actual supply of permissions for self-build and custom housebuilding – a position that is supported by a recent appeal decision⁴⁵.
- 5.47 It is also common ground between the parties that self-build exemptions in isolation are not a sufficiently robust method of recording permissions to meet registered demand⁴⁶.
- 5.48 The amendments to the 2015 Self-Build and Custom Housebuilding Act (as amended) through the 2023 LURA make clear at Section 2A(2) that in the context of the statutory duty, development permissions that are counted towards this must be "*for the carrying*

⁴⁵ CD-10.25

⁴⁶ Paragraph 7.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

out of self-build and custom housebuilding” on serviced plots. Where such permissions are secured by condition or legal agreement then this provides certainty in this regard.

- 5.49 The explanatory notes to the LURA amendments set out that the revisions to the 2015 Act were made *“to ensure that only planning permissions that are specifically to be built out for self or custom build (for example via a planning condition or obligations) qualify towards meeting demand.”*
- 5.50 The parties agree that without an enforceable mechanism such as a planning obligation or condition to secure provision of a permission, or part thereof, as self-build and custom housebuilding there is no certainty that this is what will be delivered or that it would meet the legal definitions⁴⁷.
- 5.51 There are two positions presented on supply. The Councils position, which appears to rely predominantly upon CIL self-build exemption applications⁴⁸, and that of the Appellant whereby in the absence of the Council having been able to provide further information on their claimed supply at the time of exchange has undertaken analysis of the supply of self-build and custom housebuilding permissions by Parish since 1 November 2016 using the Councils application search portal.
- 5.52 In either scenario all register entries for Base Periods 1 and 2 must be included as Part 1 entries as they joined prior to the introduction of the LCT, financial solvency test and imposition of entry and retainer fees. To approach this exercise in any other manner would be contrary to the legislative provisions and the parties agree that for the purposes of measuring demand and applying the Section 2A duty such tests do not apply retrospectively to Base Periods that preceded their introduction⁴⁹.
- 5.53 In the Councils supply position taken from its most recent AMR, there is a shortfall of 66 plots across Base Periods 1 to 8, or to put it another way 44% of the need identified for this type of housing on Part 1 of the Councils self-build register is going unmet.
- 5.54 In the Appellants supply position, there is a shortfall of 145 plots across Base Periods 1 to 8, or to put it another way 97% of the need identified for this type of housing on Part 1 of the Councils self-build register is going unmet.
- 5.55 The Appellant contends that the statutory duty has been failed for Base Periods 1-6 and there is a pending shortfall for Base Period 8 that must be addressed by 30

⁴⁷ Paragraph 7.3 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

⁴⁸ Paragraph 7.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026) records that it is common ground that without an enforceable mechanism such as a planning obligation or condition to secure provision of a permission, or part thereof, as self-build and custom housebuilding there is no certainty that this is what will be delivered or that it would meet the legal definitions.

⁴⁹ Paragraph 6.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

October 2026. The parties agree that the demand figure is the total number of individuals (or groups) that have registered over the full period on Part 1 of the Register, calculated cumulatively⁵⁰. This results in a cumulative shortfall of 145 plots relative to Part 1 register demand across Base Periods 1 to 8.

- 5.56 The lack of an adopted Development Plan policy for self and custom build in Tandridge, and the fact that the emerging Local Plan remains at a very early stage in its development means that future supply of self-build and custom housebuilding in Tandridge appears highly unlikely to keep pace with demand without sites such as the appeal site which makes provision for serviced plots secured by legal agreement in the absence of any policy requirement to do so.
- 5.57 What is abundantly clear is that action needs to be taken now to address unmet identified demand. Serviced plots secured by legal agreement – such as those proposed by the appeal scheme - are necessary to address both current and future unmet need for this type of housing in Tandridge.

⁵⁰ Paragraph 2.6 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

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

Section 6

Introduction

- 6.1. The Government attaches weight to achieving the objective of significantly boosting the supply of homes. The NPPF is clear at paragraph 61 that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward and that the needs of groups with specific housing requirements are addressed.
- 6.2. Paragraph 62 of the NPPF sets out that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment. It goes on at paragraph 63 to detail that the type of housing needed for different groups in the community should be assessed and reflected in planning policy, including for people who wish to commission or build their own homes.
- 6.3. Irrespective of the controlling political party, there has been longstanding Government support for increasing the supply of plots for self-build and custom housebuilding.
- 6.4. As has been set out in the preceding section of my evidence, there is a shortfall in the supply of serviced plots in Tandridge, and it is common ground that the Council has a shortfall in provision of serviced plots relative to the Council's statutory duty as defined at Section 2A of the 2015 Act (as amended)⁵¹.
- 6.5. The extent of this shortfall is substantive and there remains an unmet need for this type of housing in Tandridge. In this context, there is no Development Plan policy for securing any such provision for serviced plots within Tandridge.
- 6.6. In addition to which the emerging Local Plan remains at a very early stage in its development. The Council's most recent LDS sets out that it is not anticipated that the emerging Local Plan will be adopted until at least July 2028.
- 6.7. The adopted Plan strategy appears highly unlikely to address the unmet needs for this type of housing without sites such as the appeal site which makes provision for

⁵¹ Paragraph 7.5 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

serviced plots secured by legal agreement in the absence of any policy requirement to do so.

The weight to be attributed to the proposed self-build and custom housebuilding plots

Officers Delegated Report – CD-3.1

6.8. At paragraph 29.4 the Officers Report states that:

“The Council’s records indicate that we currently have 21 people who are actively looking for a self-build plot in Tandridge at the present time. It is unclear from our evidence what the applicant’s 1,421 or their 22% figures relate to as neither seem to correlate with our data. Notwithstanding, the 8 plots that the application in this case is proposing would contribute to addressing 38% of the people on our list. Whilst this could have some weight, whether it is sufficient to amount to VSC is more arguable as there will be other harms and benefits and harms that would need to be considered in the round. It should also be noted that we are due to contact the 21 people on the register to see if they are still actively looking and it may well be that they are not as it has been a while since our last update.”

6.9. The report refers to retrospectively revised self-build register numbers and does not therefore properly consider the correct number of register entries to which the duty is to be applied in line with the legislation.

6.10. These retrospectively revised figures appear to have been used as the barometer of statutory duty performance in the officer report. There also appears to be no mention anywhere in the report of the Council’s performance in relation to issuing consents for self-build and custom housebuilding plots by comparison.

Secretary of State and appeal decisions

6.11. The importance of self-build and custom housebuilding as a material consideration has been reflected in a number of Secretary of State and appeal decisions.

6.12. Of particular interest is the amount of weight which has been afforded to the provision of Self-Build and Custom Housebuilding plots relative to other material considerations. Brief summaries of relevant appeals are outlined below.

Appeal decision: Land east of Park Lane, Coalpit Heath, South Gloucestershire (6 September 2018)⁵²

6.13. The Inspector found at paragraph 61 of his report that:

“There are three different components of the housing that would be delivered: market housing, affordable housing (AH) and Custom-Build housing (CBH). They are all important and substantial weight should be attached to each component” (emphasis added).

6.14. Furthermore, the Inspector was clear in his decision that:

“The fact that the much-needed AH and CBH are elements that are no more than required by policy is irrelevant – they would still comprise significant social benefits that merit substantial weight” (emphasis added).

6.15. Notably, substantial weight was awarded in this case to the provision of serviced plots despite the Council having not failed their statutory duty at that time.

Appeal decision: Land off Hepworth Road, Woodville (25 June 2019)⁵³

6.16. The Inspector set out at paragraph 28 that *“the Council is required by the provisions in Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended) to grant planning permission for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the District which arises in each Base Period. I consider the appeal proposal is necessary to enable the Council to meet its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended), given that there appears to be an inadequate supply of serviced plots coming forward for development in the District.”*

6.17. In weighing matters in the planning balance, at paragraph 47 he concluded that *“I attach substantial weight in terms of the economic benefits that would arise from the provision of 30 dwellings in Woodville. The new residents that would live in these homes are likely to use and support local services, local facilities and local businesses. Therefore, the proposal is likely to make a positive contribution to the local economy. The development of each property should create opportunities for local builders, tradesmen and builder’s merchants. This has the potential to create local employment and training opportunities” (emphasis added).*

⁵² CD-10.6

⁵³ CD-10.7

6.18. Furthermore, paragraph 48 found that:

“The appeal proposal does not represent unnecessary development because it would greatly assist NWLDC to meet its statutory obligations with respect to providing serviced plots for self-build and custom-build housing. This would ensure that the proposed development plays a major role in meeting an evidenced housing need in North West Leicestershire. Moreover, the mix of housing types that come forward on the site would respond to the needs of local residents in accordance with Policy H6 of the LP and paragraph 59 of the NPPF. The overall layout of the site has been designed to ensure that a high standard of amenity can be provided for existing and future residents in line with Policy D2 and paragraph 127f of the NPPF. This comprises a substantial social benefit” (emphasis added).

6.19. Notably, in this case too, the provision of serviced plots was considered to be a substantial social benefit despite the Council having not failed their statutory duty at that time.

Secretary of State decision: Land off Darnhall School Lane, Winsford, Cheshire (4 November 2019)⁵⁴

6.20. Whilst it is acknowledged that despite the Inspectors recommendation to approve the appeal, the Secretary of State dismissed it, it is of relevance to consider the weight attributed to self-build by both the Inspector and the Secretary of State.

6.21. At paragraph 412 of the Inspectors report, they stated that:

“The self-build plots would help meet the government’s objective expressed in the Housing White Paper and now included in the revised Framework, to support the growth of self and custom build homes. Whilst maintaining a register of those seeking to acquire serviced plots under Section 1 of the Self-Build and Custom Housebuilding Act 2015, to date there are no specific development permissions in CW&C to meet the identified demand. As identified through the Council’s self-build register that amounts to 309 households. In cross-examination the Council confirmed that it did not know how many self-build plots it had granted planning permissions for during the plan period. The extent to which the Council has supplemented this data with secondary information, as recommended by the Framework, was also not clear but despite Build Store’s database identifying 443 registrants within ten miles of the appeal site, the

⁵⁴ CD-10.8

Council maintained that there is no demand at all in Winsford for such housing on a large scale.”

6.22. He went on at paragraph 413 to explain that:

“I do not share the Council’s pessimism about the need for self and custom build housing at Winsford. Its stance is largely based on conjecture rather than hard evidence and I also note that despite government advice, emerging Policy DM20 of the CW&CLP P2 sets no targets for self and custom-build housing nor allocates any specific sites. The twenty-six plots on adjacent Peacock Avenue, which were developed in such a way some years ago, suggests that such a development can be achieved at Winsford in the right circumstances.”

6.23. At paragraph 414 the Inspector found that:

“The self-build element would carry some social benefits in helping to respond to the needs of a particular group, identified by the SHMA and the Government, who wish to build their own homes...I consider that the self-build element of the scheme should attract substantial weight” (emphasis added).

6.24. The Secretary of State agreed with the Inspector at paragraph 28 of their decision letter where they stated that:

“The social benefits of the provision of the self-build element of the scheme should attract substantial weight” (emphasis added).

Appeal decision: Corner Mead, Newland Lane, Droitwich Spa (13 July 2020)⁵⁵

6.25. The Inspector found at paragraph 31 that:

“I do not consider the evidence provided by the Council is sufficiently reliable for me to conclude that the Council has met its duty under Section 2A. To my mind, some further analysis of the raw data is necessary...”

...It is not sufficient to rely on CIL exemption forms without this type of further analysis, which is lacking in the Council’s evidence. I conclude that the Council has not satisfactorily demonstrated that it has granted enough permissions for serviced plots to meet the demand for self-build and custom build plots in the first base period.”

⁵⁵ CD-10.9

6.26. In undertaking the planning balance at paragraph 51, the Inspector considered that:

“While there is no dispute that the Council can demonstrate a 5-year supply of housing land, I consider that the Development Plan is out-of-date in respect of self-build housing....

...In view of the importance attached to provision for self-build housing in the NPPF and PPG I do not accept the Council’s view that it should be treated simply as a component of general market housing. The tilted balance is therefore engaged in this case.”

6.27. Finally, at paragraph 52 the Inspector set out that *“the proposed development would make a significant contribution to the supply of sites for self-build housing in Wychavon in accordance with section 5 of the NPPF and the associated PPG. There would be an economic benefit during construction and from on-going support for local facilities, and significant social benefit in terms of the diversity of housing type which would contribute towards meeting the Council’s duty under the 2015 Act. I attach substantial weight to this benefit”* (emphasis added).

Appeal decision: Land at Church Lane, Whittington (20 November 2020)⁵⁶

6.28. The appeal proposals were for two self-build dwellings.

6.29. At paragraph four the Inspector found that for the second base period there was a significant undersupply and that *“consequently, and notwithstanding the existence of a five-year housing land supply more generally, the significant undersupply of self-build housing in the second Base Period carries substantial weight in favour of the proposal in helping to meet statutory requirements”* (emphasis added).

6.30. They also recognised at paragraph five that *“the self-build nature of the proposal has been appropriately secured by the executed Unilateral Undertaking submitted by the appellant”* which they considered met the three tests in the NPPF and Regulations 122(2) of the Community Infrastructure Levy Regulations 2010 (emphasis added).

6.31. In drawing together their conclusions at paragraph 10, the Inspector set out that although *“the proposal would not be in an appropriate location, conflicting with Policies SWDP1, SWDP2 and SWDP21 of the SWDP, as these policies seek to protect the countryside and significant gaps from urbanising development. However, I have identified an undersupply of self-build housing, and the policy objectives under paragraph 61 of the Framework, as a material consideration carrying substantial*

⁵⁶ CD-10.11

weight in favour of the proposal that outweighs the limited harm from conflict with the development plan in this particular case” (emphasis added).

Appeal decision: Land behind 31-33 The Causeway, Steventon (28 May 2021)⁵⁷

6.32. Inspector McGlone found at paragraph 24 that the Council “has not granted enough suitable planning permissions to address the demand arising from the first two base periods (70 and 109 entries respectively) which was to be met by 30 October in 2019 and 2020.”

6.33. At paragraph 26 the Inspector set out that “the proposal would help meet the demand arising from the third base period (80 entries). As of 24 February 2021, the Council had granted 7 suitable planning permissions” and that “the proposed provision would be of a substantial benefit given the period of time left for the Council to meet the demand for the third base period.”

6.34. He went on to explain at paragraph 28 that:

“Approaches to unmet demand, which is a relevant consideration, have been considered in several appeal decisions. If I were to take unmet demand into account, the scale of the proposal would not change the substantial weight that I have set out above, nevertheless, the position would only confirm my opinion about the weight that I have given to the provision of this type of housing”.

6.35. In undertaking the planning balance, Mr McGlone found at paragraph 47 that:

“The provision of self-build and custom-build houses would be a public benefit as they would help the Council meet its duty, help address the established demand for this type of house and widen the type and size of housing in the area. These are substantial social benefits. The S106 would secure the provision of the self-build or custom-build houses and satisfy the relevant tests. Future occupiers would be likely to use and support local services, local facilities and local businesses. Consequently, the proposal would make a positive contribution to the local economy. The development of each house should also create opportunities for local builders, tradesmen and builders’ merchants leading to local employment opportunities.”

⁵⁷ CD-10.12

Appeal Decision: Land off Bullens Green Lane, Colney Heath (14 June 2021)⁵⁸

- 6.36. Inspector Masters in her 14 June 2021 decision to allow 100 dwellings in the Green Belt (10% of which were self-build plots) at Colney Heath.
- 6.37. At paragraph 50 of her decision, she set out at paragraph 50 of her decision how *“the Planning Practice Guidance advises that local authorities should use the demand data from registers, supported by additional data from secondary sources, to understand and consider future need for this type of housing in their area.”*
- 6.38. Inspector Masters went on at paragraph 51 to explain that *“neither authority has an up-to-date assessment of likely future demand for this type of housing in line with the planning practice guidance”* and that *“the appellant provided detailed evidence in relation to the Custom Build Register, none of which was disputed”*.
- 6.39. She discussed how the authorities in that case had not met their statutory duty and stated that *“taking into account other secondary data sources, these shortfalls may well be on the conservative side.”*
- 6.40. Inspector Masters concluded at paragraph 52 that *“the provision of 10 self-build serviced plots at the appeal site will make a positive contribution to the supply of self-build plots in both planning authority areas. I am attaching substantial weight to this element of housing supply.”*

Appeal decision: Land to the rear of Brock Cottage, Burford Road, Brize Norton (11 July 2022)⁵⁹

- 6.41. The appeal decision relates to an outline application for two plots for self-build and custom housebuilding.
- 6.42. At paragraph 18 the decision set out that there were a total of 499 entries across Base Period 1 to 3 with paragraph 23 identifying a total supply of 91 plots. This equates to a shortfall of 408 plots. Paragraph 23 goes on to find that *“it can only be concluded that there is a substantial shortfall in provision during the different periods.”*
- 6.43. Within this context, in the planning balance section of their report, the Inspector found at paragraph 34 that *“the Council has fallen well short of granting suitable planning permissions to meet the identified SBCH demand.”*

⁵⁸ CD-10.13

⁵⁹ CD-10.14

6.44. And that “*although the contribution to SBCH supply would be small, the extent of the shortfall, the statutory SBCH duty, and the identified economic and social benefits would cumulatively amount to substantial weight in the balance.*”

Appeal decision: Land adjacent to Walton Hall, Chapel Lane, Walton (8 September 2022)⁶⁰

6.45. The appeal proposals were for one self-build dwelling.

6.46. Inspector Young set out at paragraph 6 that “*the Council has not met its statutory duty to have issued a sufficient number of permissions to meet demand arising from its Self-Build Register in respect of Base Periods 1, 2 and 3.*”

6.47. The Inspector further found that “*while the Council is looking to redress the shortfall, current policies seem unlikely to prevent the situation from getting worse in the foreseeable future. I therefore find it probable that the demand arising from Base Period 4 will also go unmet.*”

6.48. And as a result “*in the light of the shortfall in provision the need to increase the supply of self and custom-build housing is an important planning consideration which must carry substantial weight*” (emphasis added).

Appeal decision: Land South of (East of Griffin Place) Radwinter Road, Swards End, Saffron Walden (5 October 2022)⁶¹

6.49. The appeal proposals were for 230 dwellings with 5% custom build provision secured by legal agreement. The Appellants contended that the Council had failed its statutory duty for Base Periods 1, 2 and 3 and were on course to fail Base Period 4 too.

6.50. At paragraph 88, Inspector Masters stated that:

“I have concluded that the benefits of housing delivery, affordable housing and custom build housing should all individually carry substantial weight” (emphasis added).

⁶⁰ CD-10.15

⁶¹ CD-10.16

Appeal decision: Land between Lodge Lane and Burtons Lane, Little Chalfont, Amersham (8 March 2023)⁶²

6.51. The appeal proposals – which were within the Green Belt in Buckinghamshire - made provision for up to 15 serviced plots for self-build and custom housebuilding secured by legal agreement. Paragraph 138 of the Inspectors report set out that:

“Provision for this form of housing is included within statute, which requires that Councils publish local registers of custom house builders who wish to acquire suitable land on which to build their own home. It requires that authorities must give suitable permissions to allow a supply of serviced plots to meet demand. These requirements have been given greater impetus by the recommendations of the Bacon Report and the Framework.”

6.52. At paragraph 140 the Inspector noted that *“the Council has no adopted or interim policy for this form of housing, despite the imperative accorded to its delivery by statute”* and identified *“that there is an unmet need of 347 units for the period 2016-2021”*

6.53. He stated at paragraph 141 that *“evidence demonstrates that cumulatively across the Base Periods the Council has continually failed to meet the demand for self-build homes identified in the Register”* and that *“in these circumstances the provision of 15 units would be a significant benefit given the Government’s commitment to this sector and the continued shortfall across the Council’s area”*.

6.54. The Inspector concluded at paragraph 142 that they *“afford this matter substantial weight in this appeal. Fifteen units would meet local demand and widen housing choice.”*

Appeal decision: Land adjoining Pondview, Sturt Green, Holyport, Berkshire (17 April 2023)⁶³

6.55. The appeal proposals were for four serviced plots for self-build and custom housebuilding within the Green Belt. At paragraph 20 the Inspector found that the proposals did not meet with the relevant exceptions at NPPF paragraph 149 and were *“therefore inappropriate development in the Green Belt”*.

6.56. Furthermore, he found at paragraph 23 that the proposals would result in a substantial loss of openness. Paragraph 26 acknowledged that self-build registers are likely to be material considerations in decisions involving self and custom build.

⁶² CD-10.17

⁶³ CD-10.18

6.57. At paragraph 27 it was found that:

“The Council’s own figures show that the total number of entries on the register across the four base periods from April 2016 to October 2019 is 429. In that time, the Council has granted permission for 111 units, a shortfall of some 318 units”.

6.58. The Inspector reported that whilst the Council offered some pushback to these numbers, *“it concedes that the number may also underestimate the actual demand, a point made by the appellant when pointing to secondary sources of demand for self-build and custom housebuilding.”*

6.59. He went on at paragraph 29 to detail that *“the Council did not dispute the appellant’s figures that allocated sites within the development plan would collectively only be expected to contribute 197 plots for SBCH, some of which may take the length of the plan period to 2033 or beyond to come to fruition.”*

6.60. In the context of which, he found that:

“Therefore, the projected SBCH delivered on large scale sites under Policy HO2 falls significantly short of meeting the outstanding demand for SBCH plots, let alone the demand coming forward to be met at the moment from base periods 5, 6 and 7 and future base periods. It is therefore highly likely that demand for SBCH will have to be met in large part through smaller allocated and windfall sites.”

6.61. Paragraph 31 of the Inspectors report set out that:

“In such a scenario, and against a very substantial and acknowledged shortfall, the proposals for four SBCH plots, which would be secured through the submitted UU, must merit very significant favourable weight in the planning balance.”

6.62. In undertaking the planning balance, at paragraph 45 the Inspector found there would be a significant loss of Green Belt openness and that the NPPF directs substantial weight to be given to harm to the Green Belt.

6.63. However, he went on at paragraphs 46 and 47 to conclude that *“for the reasons set out above, the provision of four self-build and custom housebuilding dwellings in the face of a substantial shortfall in delivery of such housing against statutory requirements is a matter of overriding weight”* and *“consequently I conclude that the very special circumstances necessary to justify the proposal exist”.*

Appeal decision: Land west of Suffolk House, Ixworth Road, Norton (27 June 2023)⁶⁴

6.64. The appeal proposals were for nine serviced plots for self-build and custom housebuilding situated in open countryside in policy terms.

6.65. At paragraph 10 the Inspector noted that there was a legal agreement in place to secure as self and custom build and that the appellant had stated the Council had failed its statutory duty which weighed in favour of allowing the appeal.

6.66. The Inspector found at paragraph 13 that:

“I have reviewed the evidence and there is no doubt, even on the best-case position of the Council, that there is an actual shortfall of self-build and custom dwellings of a minimum of 133 units...in these circumstances, even if the reality is that the shortfall in supply may be greater than envisaged, the weight of failing to meet the statutory duty is substantial.”

6.67. And that:

“I recognise the Council has been making progress in seeking to provide for self-build dwellings, but this does not reduce the weight or the failed duty. Such weighs in favour of the proposal as a departure from the Development Plan.”

6.68. He concluded at paragraph 21 that:

“The planning benefits of providing 9 self-build units, in light of an identified shortfall, would be substantial.”

Appeal decision: Land at St. Peters Street, Caxton (1 August 2023)⁶⁵

6.69. After a High Court judge overturned a planning inspector allowing permission for up to nine self-build homes in Caxton due to the official wrongly stating that a flood risk assessment had been submitted with the application and therefore making a *“material mistake of fact”*, a subsequent re-determination, accompanied by an FRA was approved at appeal.

⁶⁴ CD-10.19

⁶⁵ CD-10.20

6.70. The Inspector found that:

“On the benefits side, for the reasons set out, I agree with the previous Inspector that the need to increase the supply of self-build opportunities should carry substantial weight. Even taking account of the s66(1) Duty and policies set out above, I therefore find that the minor degree of harm to the contribution setting makes to the significance of Caxton Hall, and to that of the Conservation Area, would be outweighed by the public benefits of additional self-build housing.

Appeal decision: Land adjacent to 110 Ribchester Road, Clayton Le Dale, Blackburn (1 May 2024)⁶⁶

6.71. The appeal proposals were for a single unit of self-build housing, secured in line with the legislative definitions by way of unilateral undertaking.

6.72. At paragraph 11 the Inspector set out that Section 123 of the Levelling Up and Regeneration act (LURA) 2023 made changes to the way both the demand and supply of self-build and custom housebuilding are to be calculated.

6.73. Paragraph 12 explained how *“demand is evidenced not by the number of people on the register at any one time but by the number of entries added to the register in each base period. Whilst authorities may remove individual details from the register, the number of entries remains the same, and retrospective removal of an entry does not reduce the demand figure. Moreover, unmet demand is now cumulative, so any demand that has not been met within the three year compliance period does not dissipate but rolls over and remains part of the demand that an authority has to meet.*

6.74. Wit paragraph 13 then going on to explain that *“the recent amendments mean that a development permission now only counts in meeting the duty if it is actually for self-build or custom housebuilding – a permission is no longer considered suitable if the development could include self-build and custom housing. Whilst regulations are still awaited that will define exactly what can be counted as a development permission, the government have indicated that it is likely to require that for a permission to count it will need to be characterised by a condition or planning obligation making that requirement explicit.”*

⁶⁶ CD-10.21

- 6.75. Paragraph 14 detailed that *“As such, it is clear the intention is that only land specifically for self-build or custom housebuilding qualifies towards a grant of permission to meet demand. This change means that it is no longer reasonable to count extant outline planning permissions as meeting the definition unless they have a mechanism attached to them to secure the development is restricted to self-build and custom housebuilding.”*
- 6.76. Paragraph 15 identified a total of 65 register entries and a single dwelling permission secured by legal agreement in supply.
- 6.77. At paragraph 17 the Inspector found that *“In the light of this, although the appeal scheme is only for 1 dwelling, I consider that substantial weight should be given to the fact that it is a self-build dwelling that would contribute towards meeting the significant demand for such housing in the borough.”*

Appeal decision: Land adjacent to Langton Hall, West Langton (28 August 2024)⁶⁷

- 6.78. The conjoined appeal proposals were for two self-build plots (Appeal A) and a single self-build plot (Appeal B) on the same site which was located within a Registered Park and Garden and within the setting of Grade II listed heritage assets.
- 6.79. At paragraph 43 the Inspector identified that the Council had a duty to permission 182 plots by 30 October 2023, rising to 218 plots by October 2024. Paragraph 44 identified that the Council claimed 27 plots in supply whilst the Appellant claimed 17 plots in supply.
- 6.80. At paragraph 44 the Inspector found that in respect of the statutory duty in Harborough, *“there is still a very large deficit when the Council has a duty to give enough suitable development permissions to meet the identified demand”*.
- 6.81. In the context of which at paragraph 50, in respect of Appeal B the Inspector set out that they *“attach substantial weigh to the provision of a self-build and custom build house.”*

⁶⁷ CD-10.22

6.82. While the Inspector dismissed Appeal A, she allowed Appeal B, setting out at paragraph 51 that: *“The harm to heritage assets would be at the lower level within the less than substantial spectrum of harm but nonetheless of considerable importance and weight. The benefits would be substantial, and I am satisfied that in this instance they would outweigh the harm to the heritage assets.”*

Appeal decision: Land at Barnet Lane and Furzehill Road, Borehamwood, Hertfordshire (27 November 2024)⁶⁸

6.83. The appeal proposals for up to 220 dwellings in the Green Belt included provision for 5% of the open market units to be secured as self-build and custom housebuilding, equivalent to six plots.

6.84. At paragraph 96, the Inspectors report set out that:

“What is important is that the evidence before me indicates that only 40 self-build or custom-build housing plots have been delivered in Hertsmere over the last 8 years. The current supply appears to be the 4 plots arising from the planning permission granted on appeal by the Hartfield Avenue Inspector in March of this year. The appellant points out that the Council had until 30 October 2024 to address the shortfall of at least 18 plots that had accrued in the period up to Base Period 5 as well as meeting demand for a further 15 additional plots arising from Base Period 6, or it will fail in its statutory duty for the fifth consecutive year. The Council now has until 30 October 2025 to address this existing shortfall and to make provision for at least 7 further plots.”

6.85. And continued at paragraph 97 to explain that *“against this background the appeal scheme would provide 6 plots for self/custom build homes”*.

6.86. The Inspector found at paragraph 98 of their decision that *“the appeal proposal would address 86% of the Council’s current Base Period requirement of 7 plots, which it is required to meet by 30 October 2025. Having regard to all of these points I conclude that substantial weight to this matter is justified in this case.”*

⁶⁸ CD-10.23

Appeal decision: Land west of Leighton Buzzard Road, Hemel Hempstead (5 August 2025)⁶⁹

6.87. The appeal proposals were for up to 390 dwellings and included 5% serviced plots for self-build secured by planning obligation.

6.88. At paragraph 136 Inspector C Dillon noted that there were no adopted policies to secure the provision of self-build and custom build plots.

6.89. She continued at paragraph 137 where the Inspector stated that:

“The appellant has clearly demonstrated that the demand calculated by the Borough Council significantly under-represents true demand for this housing product. On the supply side, I concur that Community Infrastructure Levy (CIL) self build exemption applications are not a reliable proxy for the actual level of the supply of this housing product. This is because the Borough Council’s duty applies to the grant of development permission and the CIL Regulations provide a different definition of this housing product for their own distinct purpose.”

6.90. With paragraph 138 detailing how:

“The Borough Council has not clearly demonstrated that it had interrogated each permission against the definition in the Self-build and Custom Housebuilding Act (2015), whereas the appellant has. Furthermore, there is evidence of double counting across the base periods. Consequently, there is a substantial shortfall in supply the order of 156 units for the relevant accounting periods.”

6.91. Paragraph 139 set out that *“the planning obligation would secure this housing component of the appeal proposal which is a public benefit carrying substantial favourable weight here”*

Appeal decision: Land North of Dixons Wharf, Wilstone, Tring (18 August 2025)⁷⁰

6.92. The appeal made provision for nine self-build plots, secured in line with the legislative definitions by way of planning obligation.

6.93. At paragraph 40 Inspector B Pattison found that *“insufficient permissions have been given in accordance with the statutory duty and so this matter is a material consideration in favour of granting planning permission”*.

⁶⁹ CD-10.25

⁷⁰ CD-10.26

- 6.94. He continued at paragraph 43 to explain that *“in light of the shortfall in provision, the need to increase the supply of SBCH is an important planning consideration which carries substantial weight. Nine units would meet local demand and widen housing choice.”*
- 6.95. In undertaking the planning balance, at paragraph 60 the Inspector stated that *“the proposal would also contribute self-build dwellings towards meeting the significant current unmet demand for SBCH in the area. I have found that there would be substantial beneficial contributions to the provision of SBCH plots in a context of ongoing undersupply.”*

Conclusions on the weight to be attributed to the provision of self-build and custom housebuilding plots

- 6.96. Sections 4 and 5 of my evidence demonstrate that there is a substantive unmet need for this type of housing within Tandridge. Supply has failed to keep pace with demand.
- 6.97. Based on the Council’s claimed supply position this would result in a shortfall of 66 plots across Base Periods 1 to 8 relative to the statutory duty under Section 2A, albeit this relies heavily on CIL self-build exemptions and the parties are agreed that CIL self-build exemptions in isolation are not a sufficiently robust method of recording permissions to meet registered demand⁷¹.
- 6.98. The Appellant’s position is that when the correct Part 1 register entry numbers are used to compare statutory duty performance against the Appellant’s position on supply⁷² then there remains a cumulative shortfall of 145 plots across Base Periods 1 to 8.
- 6.99. A number of appeal decisions have found that significant to substantial weight has been afforded to the provision of serviced plots for self-build and custom housebuilding by Inspectors and the Secretary of State and that helping to address statutory duty failure can outweigh policy conflicts:
- 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;

⁷¹ Paragraph 7.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

⁷² Paragraph 7.3 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026) records that the parties agree that an enforceable mechanism such as a planning obligation or condition to secure provision of a permission, or part thereof, as self-build and custom housebuilding there is no certainty that this is what will be delivered or that it would meet the legal definitions.

- Where secondary data sources indicate a level of demand that has not been captured by and exceeds that on the self-build register;
- Prior to demonstration of any statutory failure;
- Where the contribution to addressing shortfall is as low as a single plot;
- Where the provision of plots meets the majority of the 'current' Base Period unmet demand;
- Within the Green Belt where such provision can form part of the Very Special Circumstances; and
- Where smaller shortfalls exist than exist in Tandridge.

6.100. Given the scale of shortfall in serviced plots secured as self-build and custom housebuilding relative to identified demand in Tandridge, I consider that nothing less than **substantial weight** should be attributed to the provision of eight (8) serviced plots for self-build and custom housebuilding through the appeal proposals in the planning balance.

6.101. The imposition of an enforceable mechanism to secure provision of plots as self-build and custom housebuilding is important as it is the only way in which there can be certainty that those permissions would be delivered as such.

6.102. Only in such circumstances can one be sure that they are therefore permissions which meet the legal definition within the 2015 Act (as amended) and can therefore be counted towards the Section 2A statutory duty.

6.103. Based on the Appellants assessment of supply contained in section five of my evidence the eight (8) plots provided by the appeal proposals would represent a 50% increase in supply of plots in Tandridge with a mechanism to secure as self-build and custom housebuilding and the first to be secured by way of legal agreement rather than condition.

6.104. In addition to which, the provision of eight (8) plots secured by legal agreement would address 100% of the current unmet needs for Base Period 8 in Tandridge as well as contributing towards addressing the cumulative shortfall from earlier Base Periods.

6.105. It is also relevant to consider the approach taken by Inspectors in other appeals in respect of the numerical plot provision relative to the shortfall and the weight that this attracts in the planning balance, with reference to:

- Land at Church Lane, Whittington⁷³ – see paragraphs 6.28 to 6.31 above.
- Land to the rear of Brock Cottage, Burford Road, Brize Norton⁷⁴ – see paragraphs 6.41 to 6.44 above.
- Land adjacent to Walton Hall, Chapel Lane, Walton⁷⁵ - see paragraphs 6.45 to 6.48 above.
- Land between Lodge Lane and Burtons Lane, Little Chalfont, Amersham, Buckinghamshire⁷⁶ - see paragraphs 6.51 to 6.54 above.
- Land adjacent to Ribchester Road, Clayton Le Dale, Blackburn⁷⁷ - see paragraphs 6.71 to 6.77 above.
- Land adjacent to Langton Hall, West Langton⁷⁸ - see paragraphs 6.78 to 6.82 above.
- Land at Barnet Lane and Furzehill Road, Borehamwood⁷⁹ - see paragraphs 6.83 to 6.86 above.

Summary

6.106. Accordingly, the reason I consider that substantial weight is appropriate in respect of the provision of eight (8) serviced plots can be summarised as follows:

- (a) In Tandridge across Base Periods 1 to 8 there were a total of 149 Part 1 register entries. It is the Appellants position that in response just four plots have been secured for self-build and custom housebuilding, resulting in a substantial shortfall of 145 plots and statutory duty failure for six of the last seven Base Periods.
- (b) There are no policies within the Development Plan within Tandridge to secure serviced plots to address the shortfall that has arisen. Without sites such as the appeal site making provision by way of legal obligation in the absence of any Development Plan policy requirement to do so, the Council has no clear means by which to remedy the substantial shortfall.
- (c) The imposition of an enforceable mechanism to secure provision of plots as self-build and custom housebuilding is important as it is the only way in which there can

⁷³ CD-10.11

⁷⁴ CD-10.14

⁷⁵ CD-10.15

⁷⁶ CD-10.17

⁷⁷ CD-10.21

⁷⁸ CD-10.22

⁷⁹ CD-10.23

be certainty that those permissions would be delivered as such. Based on the Appellant's assessment of the Council's supply within this proof of evidence the appeal proposals would be the first to secure self-build and custom housebuilding in Tandridge by legal agreement.

- (d) There are six Part 1 entries for Base Period 8 in Tandridge, and the appeal proposals would address 100% of this current unmet need as well as contributing towards the earlier Base Period shortfalls that have accrued.
- (e) The emerging Plan for Tandridge is at a very early stage of development with the Council's most recent LDS indicating that the Council does not anticipate adoption of a new Plan until at least July 2028. Consequently, the emerging Plan will not make any meaningful contribution to addressing the substantive shortfall in serviced plot provision relative to the statutory duty that has already accrued any time soon.
- (f) The Council has not considered secondary data sources to understand and consider future needs for this type of housing in their area. The secondary data sources considered in my evidence indicate that the need for this type of housing in Tandridge may be considerably higher than the number of entries recorded by the self-build register suggest.
- (g) A number of other appeal decisions have found that smaller contributions towards shortfall in both numerical and percentage terms have merited substantial weight in the planning balance given the importance of the statutory duty and self-build registers and the duty to have regard to them as a material consideration in decision taking.
- (h) Appeal decisions have also found that smaller contributions in percentage terms to the current Base Period requirement than that provided through the appeal proposals have warranted substantial weight on sites within the Green Belt.
- (i) The appeal site, which secures serviced plots by legal agreement, is necessary to address the unmet need for this type of housing that the Development Plan has failed to address.

Summary and Conclusions

Section 7

Summary

7.1 This Self-Build and Custom Housebuilding Proof of Evidence has been prepared by **Andrew Moger BA (Hons) MA MRTPI**, on behalf of **Nutfield Park Developments Limited**.

7.2 I am a Director at Tetlow King Planning, and my evidence examines the need for self-build and custom housebuilding plots in Tandridge.

7.3 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."

7.4 The appeal scheme seeks permission for up to 166 residential units inclusive of market and affordable homes and self-build plots. A total of eight (8) plots are proposed to be secured as serviced plots for self-build and custom housebuilding. The appeal proposals also propose up to 70 care home beds, up to 41 extra care facility beds and up to 1,500 sqm Class E(e), F2 flexible use floorspace, including health care and community floorspace.

Self-build and custom housebuilding as an important material consideration

7.5 Central Government, regardless of the controlling political party, has been consistent in seeking to boost the supply of Self-Build and Custom Housebuilding for more than a decade. There is a national unmet demand for this type of housing.

7.6 Changes to the 2015 Self-Build and Custom Housebuilding Act (as amended) through the 2023 LURA imposed a tightening of the legislative provisions on local authorities with Section 123 coming into force on 31 January 2024.

- 7.7 There are no transitional arrangements therefore the provisions can be applied retrospectively. The imposition of the requirement for local authorities to count cumulative register numbers where there have been previous base period shortfalls further indicates that this is the way the legislative amendments are intended to be applied.
- 7.8 Local authorities are required to address this through granting sufficient development consents to meet the demand for Self-Build and Custom Housebuilding arising from the self-build register and examining secondary data sources in addition to their Register numbers to obtain a robust assessment of demand and to understand and consider future needs for this type of housing in their area.
- 7.9 The requirement to deliver Self-Build and Custom Build homes is enshrined in statute and within national policy through both the NPPF 2024 and the PPG. The December 2024 NPPF expressly supports the provision of self-build and custom housebuilding on mixed tenure sites to create diversity and support timely build out rate at paragraph 71.
- 7.10 The December 2025 consultation draft NPPF proposes that development plans take account of the needs of those wishing to build or commission their own homes and encourages a mix of housing for specific groups including plots of custom or self-build on large scale residential and mixed-use development. In addition to which it proposed that where the housing needs of different groups have been identified, the development plan should incorporate policies to address this through identifying sites or setting requirements for parts of allocated sites

The Development Plan and other material considerations

- 7.11 The Development Plan for Tandridge does not include any policies relating to the provision of self-build and custom housebuilding. The February 2025 LDS indicates that Tandridge Council does not anticipate adoption of a new Local Plan until at least July 2028.
- 7.12 The 2015 Self-Build and Custom Housebuilding Act (as amended) places a statutory duty on the Council to have met demand arising from each Base Period of its Register within three years of the end of each Base Period.

- 7.13 Further changes to the 2015 Self-Build and Custom Housebuilding Act (as amended) through the 2023 LURA imposed a tightening of the legislative provisions on local authorities including the requirement to carry forward unmet demand from earlier Base Periods until such time that it has been met, and ensure that only permissions that are for self and custom build are to be counted towards addressing the statutory duty.
- 7.14 The NPPF requires the needs of those wishing to commission or build their own home to be assessed and reflected in policy and the PPG is clear that to undertake a robust assessment of demand the register can be supplemented with secondary data sources to understand and consider future needs for this type of housing.
- 7.15 At a national level there continues to remain a clear desire by central Government to significantly boost the supply of Self-Build and Custom Housebuilding through both the NPPF and the PPG.

Self-build and custom housebuilding demand in Tandridge

- 7.16 The 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, but it cannot predict longer term demand for plots.
- 7.17 The PPG explains that local authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources, to understand and consider future need for this type of housing in their area.
- 7.18 Notwithstanding this, there were 149 cumulative Part 1 entries on the Tandridge Area self-build register across Base Periods 1 to 8 seeking a serviced plot to build or commission their own home and to whom the Section 2A statutory duty applies.
- 7.19 It is common ground that for the purposes of measuring demand and applying the Section 2A duty the local connection test, financial solvency test and fees do not apply retrospectively to Base Periods that preceded their introduction⁸⁰. And that across Base Periods 1 to 8 there are a total of 149 Part 1 register entries to whom the statutory duty applies⁸¹.
- 7.20 I consider 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. It is considered therefore that the numbers on the Self-Build Register can be a significant under-representation of latent demand.

⁸⁰ Paragraph 6.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

⁸¹ Paragraph 6.5 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

7.21 The Council has not considered secondary data sources to understand and consider the future need for this type of housing in their area.

7.22 Consideration of secondary data sources within my evidence indicates that in Tandridge:

- It is estimated that as many as 1,469 people may be interested in building their own home across the authority area in the foreseeable future when national survey data is applied to ONS adult population data for Tandridge.
- It is estimated that there may be a need for between 1,180 and 1,680 self-build and custom housebuilding plots over the 20-year emerging period when national data on self and custom build is applied to the standard method figure for Tandridge.
- Within postcode areas covering the Tandridge Council administrative area in January 2026 there were 603 registrants on Custom Build Homes' Group Right to Build Register who were seeking a plot to create their own self-build or customisable home.
- A sub-set of this dataset found that in January 2026 there were 51 registrants on Custom Build Homes Group databases who were seeking to create their own self-build or customisable home within postcode areas which cover Nutfield Parish.

7.23 The importance of secondary data sources when considering demand was recognised by Inspector Hayden in the Pear Tree Lane decision⁸² and Inspector Masters in the Bullen's Green Lane, Colney Heath decision⁸³.

7.24 There remains a substantial level of unmet need for this type of housing in Tandridge.

Self-build and custom housebuilding supply in Tandridge

7.25 In Tandridge there are a total of 149 Part 1 register entries to which the statutory duty applies between Base Periods 1 to 8. The self-build and custom housebuilding statement of common ground (February 2026) records at paragraph 6.5 that this is agreed between the parties.

7.26 The Council appears to rely predominantly on CIL self-build exemptions as a proxy for the supply of self-build and custom housebuilding permissions. However, I do not consider reliance upon such exemptions a robust approach to monitoring the actual

⁸² CD-10.10

⁸³ CD-10.13

supply of permissions for self-build and custom housebuilding – a position that is supported by a recent appeal decision⁸⁴.

- 7.27 It is also common ground between the parties that self-build exemptions in isolation are not a sufficiently robust method of recording permissions to meet registered demand⁸⁵.
- 7.28 The amendments to the 2015 Self-Build and Custom Housebuilding Act (as amended) through the 2023 LURA make clear at Section 2A(2) that in the context of the statutory duty, development permissions that are counted towards this must be *“for the carrying out of self-build and custom housebuilding”* on serviced plots. Where such permissions are secured by condition or legal agreement then this provides certainty in this regard.
- 7.29 The explanatory notes to the LURA amendments set out that the revisions to the 2015 Act were made *“to ensure that only planning permissions that are specifically to be built out for self or custom build (for example via a planning condition or obligations) qualify towards meeting demand.”*
- 7.30 The parties agree that without an enforceable mechanism such as a planning obligation or condition to secure provision of a permission, or part thereof, as self-build and custom housebuilding there is no certainty that this is what will be delivered or that it would meet the legal definitions⁸⁶.
- 7.31 There are two positions presented on supply. The Councils position, which appears to rely predominantly upon CIL self-build exemption applications⁸⁷, and that of the Appellant whereby in the absence of the Council having been able to provide further information on their claimed supply at the time of exchange has undertaken analysis of the supply of self-build and custom housebuilding permissions by Parish since 1 November 2016 using the Councils application search portal.
- 7.32 In either scenario all register entries for Base Periods 1 and 2 must be included as Part 1 entries as they joined prior to the introduction of the LCT, financial solvency test and imposition of entry and retainer fees. To approach this exercise in any other manner would be contrary to the legislative provisions and the parties agree that for the

⁸⁴ **CD-10.25**

⁸⁵ Paragraph 7.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

⁸⁶ Paragraph 7.3 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

⁸⁷ Paragraph 7.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026) records that it is common ground that without an enforceable mechanism such as a planning obligation or condition to secure provision of a permission, or part thereof, as self-build and custom housebuilding there is no certainty that this is what will be delivered or that it would meet the legal definitions.

purposes of measuring demand and applying the Section 2A duty such tests do not apply retrospectively to Base Periods that preceded their introduction⁸⁸.

- 7.33 In the Councils supply position taken from its most recent AMR, there is a shortfall of 66 plots across Base Periods 1 to 8, or to put it another way 44% of the need identified for this type of housing on Part 1 of the Councils self-build register is going unmet.
- 7.34 In the Appellants supply position, there is a shortfall of 145 plots across Base Periods 1 to 8, or to put it another way 97% of the need identified for this type of housing on Part 1 of the Councils self-build register is going unmet.
- 7.35 The Appellant contends that the statutory duty has been failed for Base Periods 1-6 and there is a pending shortfall for Base Period 8 that must be addressed by 30 October 2026. The parties agree that the demand figure is the total number of individuals (or groups) that have registered over the full period on Part 1 of the Register, calculated cumulatively⁸⁹. This results in a cumulative shortfall of 145 plots relative to Part 1 register demand across Base Periods 1 to 8.
- 7.36 The lack of an adopted Development Plan policy for self and custom build in Tandridge, and the fact that the emerging Local Plan remains at a very early stage in its development means that future supply of self-build and custom housebuilding in Tandridge appears highly unlikely to keep pace with demand without sites such as the appeal site which makes provision for serviced plots secured by legal agreement in the absence of any policy requirement to do so.
- 7.37 What is abundantly clear is that action needs to be taken now to address unmet identified demand. Serviced plots secured by legal agreement – such as those proposed by the appeal scheme - are necessary to address both current and future unmet need for this type of housing in Tandridge.

The weight to be attributed to the provision of self-build and custom housebuilding plots

- 7.38 Supply has failed to keep pace with demand. Based on the Council's claimed supply position this would result in a shortfall of 66 plots across Base Periods 1 to 8 relative to the statutory duty under Section 2A, albeit this relies heavily on CIL self-build exemptions and the parties are agreed that CIL self-build exemptions in isolation are not a sufficiently robust method of recording permissions to meet registered demand⁹⁰.

⁸⁸ Paragraph 6.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

⁸⁹ Paragraph 2.6 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

⁹⁰ Paragraph 7.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

- 7.39 The Appellant's position is that when the correct Part 1 register entry numbers are used to compare statutory duty performance against the Appellant's position on supply⁹¹ then there remains a cumulative shortfall of 145 plots across Base Periods 1 to 8.
- 7.40 A number of appeal decisions have found that significant to substantial weight has been afforded to the provision of serviced plots for self-build and custom housebuilding by Inspectors and the Secretary of State and that helping to address statutory duty failure can outweigh policy conflicts:
- 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 indicate a level of demand that has not been captured by and exceeds that on the self-build register;
 - Prior to demonstration of any statutory failure;
 - Where the contribution to addressing shortfall is as low as a single plot;
 - Where the provision of plots meets the majority of the 'current' Base Period unmet demand;
 - Within the Green Belt where such provision can form part of the Very Special Circumstances; and
 - Where smaller shortfalls exist than exist in Tandridge.
- 7.41 Given the scale of shortfall in serviced plots secured as self-build and custom housebuilding relative to identified demand in Tandridge, I consider that nothing less than **substantial weight** should be attributed to the provision of eight (8) serviced plots for self-build and custom housebuilding through the appeal proposals in the planning balance.
- 7.42 The imposition of an enforceable mechanism to secure provision of plots as self-build and custom housebuilding is important as it is the only way in which there can be certainty that those permissions would be delivered as such.

⁹¹ Paragraph 7.3 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026) records that the parties agree that an enforceable mechanism such as a planning obligation or condition to secure provision of a permission, or part thereof, as self-build and custom housebuilding there is no certainty that this is what will be delivered or that it would meet the legal definitions.

- 7.43 Only in such circumstances can one be sure that they are therefore permissions which meet the legal definition within the 2015 Act (as amended) and can therefore be counted towards the Section 2A statutory duty.
- 7.44 Based on the Appellants assessment of supply contained in section five of my evidence the eight (8) plots provided by the appeal proposals would represent a 50% increase in supply of plots in Tandridge with a mechanism to secure as self-build and custom housebuilding and the first to be secured by way of legal agreement rather than condition.
- 7.45 In addition to which, the provision of eight (8) plots secured by legal agreement would address 100% of the current unmet needs for Base Period 8 in Tandridge as well as contributing towards addressing the cumulative shortfall from earlier Base Periods.
- 7.46 It is also relevant to consider the approach taken by Inspectors in other appeals in respect of the numerical plot provision relative to the shortfall and the weight that this attracts in the planning balance, with reference to:
- Land at Church Lane, Whittington⁹²
 - Land to the rear of Brock Cottage, Burford Road, Brize Norton⁹³
 - Land adjacent to Walton Hall, Chapel Lane, Walton⁹⁴
 - Land between Lodge Lane and Burtons Lane, Little Chalfont, Amersham, Buckinghamshire⁹⁵
 - Land adjacent to Ribchester Road, Clayton Le Dale, Blackburn⁹⁶
 - Land adjacent to Langton Hall, West Langton⁹⁷
 - Land at Barnet Lane and Furzehill Road, Borehamwood⁹⁸

⁹² CD-10.11

⁹³ CD-10.14

⁹⁴ CD-10.15

⁹⁵ CD-10.17

⁹⁶ CD-10.21

⁹⁷ CD-10.22

⁹⁸ CD-10.23

Conclusions

7.47 Accordingly, the reason I consider that substantial weight is appropriate in respect of the provision of eight (8) serviced plots can be summarised as follows:

- (j) In Tandridge across Base Periods 1 to 8 there were a total of 149 Part 1 register entries. It is the Appellants position that in response just four plots have been secured for self-build and custom housebuilding, resulting in a substantial shortfall of 145 plots and statutory duty failure for six of the last seven Base Periods.
- (k) There are no policies within the Development Plan within Tandridge to secure serviced plots to address the shortfall that has arisen. Without sites such as the appeal site making provision by way of legal obligation in the absence of any Development Plan policy requirement to do so, the Council has no clear means by which to remedy the substantial shortfall.
- (l) The imposition of an enforceable mechanism to secure provision of plots as self-build and custom housebuilding is important as it is the only way in which there can be certainty that those permissions would be delivered as such. Based on the Appellant's assessment of the Council's supply within this proof of evidence the appeal proposals would be the first to secure self-build and custom housebuilding in Tandridge by legal agreement.
- (m) There are six Part 1 entries for Base Period 8 in Tandridge, and the appeal proposals would address 100% of this current unmet need as well as contributing towards the earlier Base Period shortfalls that have accrued.
- (n) The emerging Plan for Tandridge is at a very early stage of development with the Council's most recent LDS indicating that the Council does not anticipate adoption of a new Plan until at least July 2028. Consequently, the emerging Plan will not make any meaningful contribution to addressing the substantive shortfall in serviced plot provision relative to the statutory duty that has already accrued any time soon.
- (o) The Council has not considered secondary data sources to understand and consider future needs for this type of housing in their area. The secondary data sources considered in my evidence indicate that the need for this type of housing in Tandridge may be considerably higher than the number of entries recorded by the self-build register suggest.

- (p) A number of other appeal decisions have found that smaller contributions towards shortfall in both numerical and percentage terms have merited substantial weight in the planning balance given the importance of the statutory duty and self-build registers and the duty to have regard to them as a material consideration in decision taking.
- (q) Appeal decisions have also found that smaller contributions in percentage terms to the current Base Period requirement than that provided through the appeal proposals have warranted substantial weight on sites within the Green Belt.
- (r) The appeal site, which secures serviced plots by legal agreement, is necessary to address the unmet need for this type of housing that the Development Plan has failed to address.