

Self-Build and Custom Housebuilding Summary 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 9use Classes 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)

Former Laporte Works Site, Nutfield Road, Nutfield, Surrey

Nutfield Park Developments Limited

February 2026

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Introduction

Section 1

- 1.1 This Self-Build and Custom Housebuilding Summary 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 to my main proof of evidence:
- 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 Summary 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; and

- 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

Self-build and Custom Housebuilding as an Important Material Consideration

Section 2

- 2.1 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.
- 2.2 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.
- 2.3 is common ground¹ 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.
- 2.4 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.
- 2.5 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.
- 2.6 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

¹ Paragraph 2.6 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

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

- 3.1 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 it remains at an early stage of development.
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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 introduction². And that across Base Periods 1 to 8 there are a total of 149 Part 1 register entries to whom the statutory duty applies³.
- 4.5 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.
- 4.6 The Council has not considered secondary data sources to understand and consider the future need for this type of housing in their area.

² Paragraph 6.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

³ Paragraph 6.5 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

4.7 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.

4.8 The importance of secondary data sources when considering demand was recognised by Inspector Hayden in the Pear Tree Lane decision⁴ and Inspector Masters in the Bullen's Green Lane, Colney Heath decision⁵.

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

⁴ CD-10.10

⁵ CD-10.13

Supply of Self-Build and Custom Housebuilding in Tandridge

Section 5

- 5.1 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.
- 5.2 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 decision⁶.
- 5.3 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 demand⁷.
- 5.4 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.
- 5.5 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.”*
- 5.6 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

⁶ CD-10.25

⁷ Paragraph 7.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

and custom housebuilding there is no certainty that this is what will be delivered or that it would meet the legal definitions⁸.

- 5.7 There are two positions presented on supply. The Councils position, which appears to rely predominantly upon CIL self-build exemption applications⁹, 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.
- 5.8 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 introduction¹⁰.
- 5.9 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.
- 5.10 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.
- 5.11 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 cumulatively¹¹. This results in a cumulative shortfall of 145 plots relative to Part 1 register demand across Base Periods 1 to 8.
- 5.12 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

⁸ Paragraph 7.3 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

⁹ 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.

¹⁰ Paragraph 6.4 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

¹¹ Paragraph 2.6 of the Self-Build and Custom Housebuilding Topic Specific Statement of Common Ground (February 2026)

appeal site which makes provision for serviced plots secured by legal agreement in the absence of any policy requirement to do so.

- 5.13 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.

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

Section 6

- 6.1. 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.
- 6.2. 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 demand¹².
- 6.3. 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 supply¹³ then there remains a cumulative shortfall of 145 plots across Base Periods 1 to 8.
- 6.4. 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;

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

¹³ 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 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.
- 6.5. 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.
- 6.6. 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.
- 6.7. 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.
- 6.8. 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.
- 6.9. 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.
- 6.10. 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, Whittington¹⁴
 - Land to the rear of Brock Cottage, Burford Road, Brize Norton¹⁵

¹⁴ CD-10.11

¹⁵ CD-10.14

- Land adjacent to Walton Hall, Chapel Lane, Walton¹⁶
- Land between Lodge Lane and Burtons Lane, Little Chalfont, Amersham, Buckinghamshire¹⁷
- Land adjacent to Ribchester Road, Clayton Le Dale, Blackburn¹⁸
- Land adjacent to Langton Hall, West Langton¹⁹
- Land at Barnet Lane and Furzehill Road, Borehamwood²⁰

Conclusions

6.11. 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:

- 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.
- 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.
- 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.
- 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.

¹⁶ CD-10.15

¹⁷ CD-10.17

¹⁸ CD-10.21

¹⁹ CD-10.22

²⁰ CD-10.23

- 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.
- 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.
- 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.
- 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.
- 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.