

SUPPLEMENTARY REPORTS

AREA 1 PLANNING COMMITTEE

DATED 9th January 2025

Tonbridge - Judd

TM/24/01150/PA

Location: 111 Douglas Road TN9 2UD

Proposal: Erection of a two storey side extension to create a two bedroom dwelling, including reconfiguration of the roof, new dormer windows, internal reconfiguration of the existing dwelling to incorporate a loft conversion and associated access and landscaping works (Self Build).

As members are aware this application was presented to Area 1 committee 17 October 2024, where it was resolved to defer the application to enable further self-build information to be obtained from the applicant and to investigate whether a mechanism could be established to secure the initial usage of the proposed development to meet the definition of a “Self-Build” property.

Turning first to the self-build element, in considering whether a home is a self-build or custom build home, the Council 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 (Paragraph: 016 Reference ID: 57-016-20210208).

All self-build applications in the first instance need to meet the definition of self-build as set in the Self-build and Custom Housebuilding Act 2015 (as amended).

For clarification the definition is:

1(A1) In this Act “self-build and custom housebuilding” means the building or completion by—

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

As set out in paragraph 6.57 of the committee report the Applicant/Agent has confirmed that the applicants commissioned the work and have informed the detailed (bespoke)

design, specifically in regard to the internal layout. In addition, the applicant has reconfirmed they will move into the new property if it is permitted.

Therefore, your officers are satisfied that the proposal relates to a self-build application. In regard to investigating whether a mechanism could be established to secure the proposed as a self-build. The Council has sought legal advice on this element. The Right to Build Task Force (www.righttobuild.org.uk) has produced useful guidance on this matter, in particular the use of conditions and obligations which seek to ensure that the development in question is genuinely self-build.

In considering conditions paragraph 58 (NPPF 2024) states that planning conditions must only be sought where they meet all of the following tests.

- Necessary,
- relevant to planning and to the development to be permitted,
- enforceable,
- precise, and
- reasonable in all other respects.

Paragraph 32 of Right to Build Task Force Custom and Self-Build Planning Guidance (January 2024 Version 2) notes “Where the self build aspect of a residential proposal is a deciding factor, either through Local Plan or Neighbourhood Plan Policy or through balance of material considerations, conditions or obligations to ensure custom and self-build and delivery will be necessary”.

Following legal advice, it is proposed that the condition as detailed below is added to the application and any future applications for self build applications.

The development that is subject to the planning permission hereby approved shall be for "self-build" or "custom build housing" only as defined in Annex 2: Glossary of the National Planning Policy Framework.

Reason: To ensure that the development complies with the National Planning Policy Framework.