
From: Gerald Willard <gez.willard@icloud.com>
Sent: 18 March 2025 11:45
To: NEW West 2
Cc: M Saba
Subject: Re: Planning Inspectorate APP/B3438/W/25/3358776: Cookshill Hall, Roughcote Lane, ST11 9EG

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Hello

Please forward these brief comments to the inspector.

Mr Willard

These comments are brief and relate only to main matters.

Self build dwelling.

The council say:

2.10 The appellant claims exemption from BNG requirements as a 'custom self-build' but elsewhere on the form it is described as a open market dwelling. There is no evidence to support the 'self-build' claim. If the Inspector is minded to allow the appeal then the Council request an occupancy condition that ties the provision of the dwelling for the occupancy of the appellant and developer.

Section 1 of the Self-build and Custom Housebuilding Act 2015(as amended) states:

“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.

(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 Planning Practice Guidance (2021, paragraph 016) states that initial occupants must have a primary input into the final design and layout of the home.

The appellant satisfies this description.

The council have been told many times that the site is owned by the appellant and they intend to build a family dwelling on it for themselves and to stay living in it for many years to come. To this end they will:

A be in control of how their home is designed and constructed and can undertake some, all or none of the construction/development work themselves.

B build the home themselves and live in it.

C be willing to accept a condition confirming the development is for/includes custom and self-build housing?

They would accordingly be happy with either or both of the following model condition:

1 The dwelling hereby permitted shall be delivered as custom and self-build homes in accordance

with section 1 of the Self-build and Custom Housebuilding Act 2015 (as amended).

The council's suggested condition (above) is onerous and imprecise (it requires occupation by appellant and developer) and it would prevent a mortgage being obtained. The appellant would accept a variation of the condition to the following which is a standard limitation that applies to CIL self build exemptions.

2 The dwelling hereby approved may only be lived in by the owner of the site for 3 years following its first occupation.

Land ownership

The appellant has submitted this application and appeal in good faith. Private disputes regarding alleged ownership form no part of the planning decision making process which is a land use based process. Should legitimate legal reasons emerge later if the appeal is allowed such legal disputes may; if upheld, prevent the development from proceeding. Land cannot be developed without an owners express agreement. The inspector is requested to weigh only the land use planning matters.

Appellants case

It remains the case, indeed now amplified after recent Government statements regarding the need to significantly boost housing supply that the main issue is boosting housing supply, along with the weighing the development plan, shortage off local housing and in this case the councils pre-application advice weigh. These all weigh heavily in favour of the appeal being allowed.

On 6 Mar 2025, at 12:24, west2@planninginspectorate.gov.uk wrote:

The Planning Inspectorate (England)
Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

The Planning Inspectorate (Wales)
Crown Buildings, Cathays Park, Cardiff, CF10 3NQ

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Twitter: [@PINSgov](https://twitter.com/PINSgov)

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