

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

Land east of Ansty Way, Cuckfield Bypass, Cuckfield,
West Sussex

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

Outline planning application (all matters reserved except for access) for the redevelopment of land to the east of Ansty to create a new garden community, comprising of the erection of up to 1,450 homes (including 30% affordable housing), up to 90 residential care units (c2 class), a primary school, a SEND school, health hub, sports facilities including all weather hockey pitches and tennis centre, allotments, retail, community and employment uses together with ancillary and associated development including new and enhanced pedestrian/cycle routes, open spaces, and landscaping.

Land east of Ansty Way, Cuckfield Bypass, Cuckfield, West Sussex

Fairfax Acquisitions Limited and the Norris Family

May 2026

PINS REF: 6002030

LPA REF: DM/23/2866

OUR REF: M26/0306-04.RPT

TETLOW KING PLANNING
UNIT 2, ECLIPSE OFFICE PARK, HIGH STREET, STAPLE HILL, BRISTOL, BS16 5EL
Tel: 0117 9561916 Email: all@tetlow-king.co.uk

www.tetlow-king.co.uk

Contents

Section 1	Introduction	1
Section 2	Self-Build and Custom Housebuilding as an Important Material Consideration	2
Section 3	The Development Plan and Other Material Considerations	4
Section 4	Demand for Self-Build and Custom Housebuilding in Mid Sussex	5
Section 5	Supply of Self-Build and Custom Housebuilding in Mid Sussex	7
Section 6	Weight to be Attributed to the Provision of Self-Build and Custom Housebuilding	9

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 **Fairfax Acquisitions Limited and the Norris Family**.
- 1.2 I am a Director at Tetlow King Planning, and my evidence examines the need for Self-Build and Custom Housebuilding plots in Mid Sussex.
- 1.3 The appeal scheme seeks permission for up to 1,450 residential units inclusive of market and affordable homes, and self-build plots. A total of 30 plots is proposed to be secured as serviced plots for self-build and custom housebuilding.
- 1.4 In preparing this Proof of Evidence reliance has been placed upon information sought through a Freedom of Information (FOI) request made to Mid Sussex Council with the response received on 27 March 2026.
- 1.5 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."
- 1.6 In addition, I confirm that no part of my evidence, including the data presented has used any form of artificial intelligence (AI).

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 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.
- 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

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 Mid Sussex Council includes a policy that promotes the provision of self and custom housebuilding plots.
- 3.2 The emerging Mid Sussex District Plan Review includes a draft policy that as well as generally supporting the provision of this tenure of housing, will require a minimum of 2% of dwellings to be self and custom build on all sites of 100 dwellings or more.
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 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 Mid Sussex

Section 4

- 4.1 There are 599 cumulative Part 1 entries on the Mid Sussex 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.
- 4.2 Whilst 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, it cannot predict longer term demand for plots.
- 4.3 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.
- 4.4 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.
- 4.5 The Council considered secondary data sources in the 2021 SHMA to seek to understand and consider the future need for this type of housing in their area and reported that self-build demand within Mid Sussex *“ranks the District in the top 25% of authorities in England”*
- 4.6 Consideration of secondary data sources within my evidence indicates that in Mid Sussex:
- It is estimated that as many as 3,051 people may be interested in building their own home across the authority area when national survey data is applied to ONS adult population data for Mid Sussex.
 - It is estimated that there may be a need for between 1,710 and 2,448 self-build and custom housebuilding plots over the 18-year emerging Plan period when national data on self and custom build is applied to the standard method figure for Mid Sussex.

- Within postcode areas covering the Mid Sussex Council administrative area in March 2026 there were 916 registrants on Custom Build Homes' Group Right to Build Register who were seeking a plot to create their own self-build or customisable home.
- 4.7 The importance of secondary data sources when considering demand was recognised by Inspector Hayden in the Pear Tree Lane decision¹ and Inspector Masters in the Bullen's Green Lane, Colney Heath decision².
- 4.8 There remains a substantial level of unmet need for this type of housing in Mid Sussex.

¹ APP/D2320/W/20/3247136

² APP/B1930/W/20/326592 and APP/C1950/W/20/3265926

Supply of Self-Build and Custom Housebuilding in Mid Sussex

Section 5

- 5.1 There is a total of 599 Part 1 register entries to which the statutory duty applies between Base Periods 1 to 8. The Appellant's position is that – at best – there are just 60 plots in reply which results in a shortfall of 539 plots across Base Periods 1 to 8. In this scenario 90% of self-build register need have gone unmet since 2016.
- 5.2 When consideration is only given to plots that have a mechanism to secure (such as condition or legal agreement) as self or custom build then there are only two permissions (providing for a total of 8 plots) that the Council is able to count towards its supply. This would result in a shortfall of 591 plots across Base Periods 1 to 8 and statutory duty failure for every single Base Period to date. In this scenario 99% of self-build register need have gone unmet since 2016.
- 5.3 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. Only where such permissions are secured by condition or legal agreement can there be certainty in this regard.
- 5.4 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”*.
- 5.5 Even if one were to erroneously count all the permissions that the Council rely upon their FOI response providing for 76 plots³ despite the lack of evidence and/or lack of any mechanism to secure and self or custom build in many of these permissions, then there would also still be a substantial shortfall of 523 plots. In this scenario 87% of self-build register needs have gone unmet since 2016.

³ Having discounted those which fail the Self-Build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016

- 5.6 In every supply scenario there is a substantial shortfall relative to the Councils Section 2A duty.
- 5.7 Whilst the Council has an adopted Development Plan policy for self and custom build it has proven to be wholly ineffective in addressing needs and the cumulative shortfall that has accrued appears highly unlikely to be addressed by the current adopted Development Plan.
- 5.8 The emerging District Plan Review includes a proposed policy requiring 2% of all dwellings to be self or custom build on sites of 100 or more which the appeal scheme accords with. However, it currently remains unclear if, or when, the emerging Plan will be capable of being found to be sound. Resultantly it will also not address the substantive shortfall that has accrued anytime soon.
- 5.9 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 the 30 proposed by the appeal scheme - are necessary to address both current and future unmet need for this type of housing in Mid Sussex.

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 Mid Sussex. Supply has failed to keep pace with demand and as a result a substantive shortfall has accrued.
- 6.2. As recorded at paragraph 5.9 of the Planning Statement of Common Ground (**CD-7.1**), the parties agree that the provision of up to 30 self-build and custom housebuilding plots from the appeal proposals is a benefit that should be afforded substantial weight.
- 6.3. Given the scale of shortfall in serviced plots secured as self-build and custom housebuilding relative to identified demand in Mid Sussex, my evidence demonstrates that nothing less than **substantial weight** should be attributed to the provision of 30 serviced plots for self-build and custom housebuilding through the appeal proposals in the planning balance.
- 6.4. 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. 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.
- 6.5. 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 between Lodge Lane and Burtons Lane, Little Chalfont, Amersham, Buckinghamshire⁴
 - Land at Barnet Lane and Furzehill Road, Borehamwood⁵

⁴ APP/X0415/W/22/3303868

⁵ APP/N1920/W/24/3346928

- Land west of Leighton Buzzard Road, Hemel Hempstead⁶

Summary

- 6.6. The Planning Statement of Common Ground records that the parties are agreed (paragraph 5.9 of **CD-7.1**) that the provision of up to 30 plots is a benefit that should be afforded substantial weight.
- 6.7. The reasons that I consider that substantial weight is appropriate in respect of the provision of 30 serviced plots can be summarised as follows:
- (a) In Mid Sussex across Base Periods 1 to 8 there were a total of 599 Part 1 register entries. It is the Appellants position that in every supply scenario there is a substantial shortfall of plots and there has been persistent statutory duty failure.
 - (b) The Development Plan strategy to address the need for this type of housing has been ineffective. Without sites such as the appeal site making provision by way of legal obligation the Council has no clear strategy through which to remedy the substantial shortfall that has accrued anytime soon.
 - (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 be certainty that those permissions would be delivered as such. Based on the Appellant's assessment of the Council's supply within my evidence the appeal proposals would result in a 375% increase in the supply of plots with an enforceable mechanism to secure.
 - (d) There are 24 Part 1 entries for Base Period 8 in Mid Sussex which the Council has a statutory duty to have met by 30 October 2026. The appeal proposals would address 100% of this current unmet need as well as contributing towards the earlier cumulative Base Period shortfalls that have accrued.
 - (e) The emerging District Plan Review for Mid Sussex is at examination and includes Policy DPH6 which requires 2% of all dwellings on sites of 100 dwellings or more to come forward and self or custom build. The Examination process has been particularly protracted, and the emerging Plan appears unlikely to begin to address the substantive shortfall that has accrued anytime soon.

⁶ APP/A1910/W/24/3345435

- (f) The Councils own evidence base endorses the use of secondary data sources and in doing so reports that the level of demand “*ranks the District in the top 25% of authorities in England*”.
- (g) Secondary data sources considered in my evidence indicate that the need for this type of housing in Mid Sussex may be substantively higher than the number of entries recorded by the self-build register suggest.
- (h) Several other appeal decisions have found that similar and even smaller contributions towards shortfall 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.
- (i) The appeal site, which secures 30 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.