



BMSDC Self-Build Guidance Note

This note is intended to provide guidance for planning applications that are made for single dwelling self-build applications and the unilateral undertaking that is required in the event planning permission is granted.

A unilateral undertaking is a legal agreement. In applications for single self-build dwellings, a legal agreement is required in order to ensure the dwelling is delivered as a self-build in line with the definition contained within the Self-build and Custom Housebuilding Act 2015 (as amended) and to secure a biodiversity net gain exemption. It does **not** provide a Community Infrastructure Levy (CIL) exemption, which has to be sought separately.

The submission of a unilateral undertaking securing the dwelling as a self-build does not exempt you from the need to provide evidence to demonstrate that the dwelling is a self-build as part of your planning application through the submission of a self-build statement.

Template and additional information

Where you have submitted a planning application for a single self-build or custom build dwelling you will be asked to enter into a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended). These notes are intended to assist you but they do not constitute legal advice. If you have any concerns about the implications you should obtain independent legal advice.

When completing the unilateral undertaking template on our website the following will apply:

- Where there is a *, please enter the relevant details and delete anything which is not relevant;
- If the Applicant does not own the land, the Applicant and the Owner(s) will need to enter into the deed;
- Any mortgagee/chargee will need to enter into the unilateral undertaking;
- The full name(s) of the Applicant and the Owner(s) needs to be entered;
- The current full address and future address (once the self-build is built) needs to be entered for the Applicant/Owner(s);
- Do not amend the wording in any part of the template.

The template will be checked by the Council's Legal Team once submitted.

The Council will only accept electronic self-build unilateral undertakings drafted using the template. No printed agreements will be accepted.

Alongside the template some additional information/ documents are required:

- If the land is registered with HM Land Registry, you will need to download and provide an up-to-date Official Copy of the Register of Title and Title Plan as a PDF;
- If the land is unregistered our Legal Team will advise what needs to be done.
- Declare if there are any other legal interests in the land which are unregistered;
- Declare if any part of the Site is not owned by the applicant and provide the details;
- Provide contact details of your solicitor dealing with the unilateral undertaking. If there is no solicitor please provide details of the agent working on your behalf.

Please note that once the agreement has been checked and agreed it will need to be signed and sent to the Council's Legal Team at: West Suffolk House, Western Way, Bury St Edmunds, Suffolk, IP33 3YU. If you would like an original copy of the UU returned to you, you will need to provide two identical signed hard copies of the agreement and plan at this point.