

Episode 154

The challenges of building a new home in a rural community

The show notes: www.houseplanninghelp.com/154

Intro: Although there is more space to build in rural areas, it doesn't necessarily equate to more opportunities to build or a simple process! In this case study we chat to self-builder Jeremy about some of the challenges he faced when relocating to a village in Dorset.

I started by asking him when he first thought about building a house.

Jeremy: It started around ten or twelve years ago, when we decided that we really wanted a low energy house for our retirement. I had a plan that I was going to retire early, if I possibly could, and I wanted to use that time to design and build a house. So, I persuaded my wife that a low energy house would be a good idea as a retirement home. The incentive for her was we could spend all of the savings on holidays. That was the driver.

I think the hard part really was then looking for a plot. I started off looking at the type of house we wanted to build, which is the wrong way around. You actually have to start by looking for a plot of land and then determining what type of house will fit on that plot. So, I went up this really steep learning curve of how you go about self-build.

There isn't much information about. The Grand Designs programmes and the other television programmes and the magazines never really touch that beginning of the process, the finding of a plot, designing a house to fit that plot, the people you have to employ to do all of that work for you. It's really quite challenging to get your head around. At the same time, it's very, very expensive and we realised early on that we were going to be paying out many thousands of pounds to planning consultants,

architects, building control, all of these various people. I started thinking if I'm retired, surely it can't be that difficult. I'm a scientist by background. It can't be that hard to design a house. It's only a box at the end of the day. We were originally going to employ an architect and I'll come to that later but in the end, we didn't, for a number of reasons.

So, I set out looking for a plot of land. And that is extremely hard in this country. We had a very wide radius. We didn't really want to be more than a two to three hours' drive away from my wife's parents who at that time were living in West Sussex and so, really we looked at everywhere from the bottom end of South Wales, the lower end of Herefordshire in one corner, over as far as the Wiltshire/Hampshire border to the east – and the only reason for not going any further was plots of land get far too expensive once you get into Hampshire – down as far as North Cornwall, North Devon, South Devon. That sort of area. So, in total we probably drove several thousand miles looking at plots of land. Lots and lots of disappointment. There's lots of plots of land that looked very, very nice when you see them on the websites. You drive a hundred miles to have a look at one and it's nothing like the photographs. So, we had a lot of disappointments.

We did find a plot of land just on the Welsh/English border, right on the River Wye. That was our first plot and we loved it. It was three and a half acres, woodland, an old mill with a stream. Absolutely fantastic and we made an offer which was accepted.

I decided I was going to employ a project manager because I didn't feel confident enough at managing. I'd never managed building trades; only done DIY. I went over there with the project manager and he spotted that the boundaries were in the wrong position and the public footpath had been moved. Very, very quickly. Just got a tape out and he said this house that's approved on the plans isn't going to fit on this bit of land.

So, I went to see the local council in Newport and said we've got this problem. They had a look at it and they sent their enforcement officer out. He said 'the footpath's been illegally moved forty metres and there are now two public footpaths, one by right of law that's on the definitive map and one that's got a right in law because it's been in use for a number of years and has got footpath signs up that we put there.' So, he said he would immediately put an enforcement order on the land. Oh, and a neighbour had nicked forty metres of the land for their vegetable garden.

We did try hard. We really wanted the thing but no matter what, we just couldn't put the house on there. There was insufficient space left. The final nail in the coffin was that the local council said they couldn't even consider looking at a new planning application until the enforcement and footpaths problem was solved and they estimated it would take them two years to sort out the legal position of the footpath.

So, we pulled away from that plot of land and it's fair to say we were a bit disheartened. We spent a lot of money, driven around and nothing.

We then spent probably another year looking around plots of land, going as far as having holiday in places like North Cornwall, Devon and even the Isle of Wight to have a look at the lay of the land and see if we could find somewhere.

Then by pure chance, we found a plot of land sixteen miles away from where we currently lived. It had just come on the market. I drove over to have a look at it, expecting it to be a major disappointment as they all had been up till then. I saw a very overgrown plot of land, approximately ten feet high in brambles and trees and undergrowth so, you couldn't really see it. It was fenced. You couldn't get in to it and walk on it. You could only walk along the lane alongside it. But it looked as if it could be turned into exactly what we wanted.

It had the right sort of aspect, facing south which meant that we could put lots of solar panels on and get the energy we needed, it was in a sheltered valley so, we had no exposed winds to deal with.

So, I went home and immediately started doing the research.

Ben: Can you tell me the sort of research that you're doing? In this episode, we're wanting to find out – we know that this plot has quite a few challenges that we'll be talking through. That would be interesting to know, your homework at home.

Jeremy: I think this is key. When you're buying a plot of land, it's not the same as buying a house.

When you buy a house, you go to a solicitor. The solicitor does a load of searches, the searches come up with all of the things in the old deeds and covenants and whatever and you don't need to do any more than that.

When you buy a plot of land, the work the solicitor does is of no value to you at all in terms of finding out the important things. The

solicitor won't find out if you've got water, if you've got mains electricity, if you've got mains sewage. None of those things come up on any of the work a solicitor does. A solicitor will be able to tell you if there's something like a public footpath running through the land but that's about it.

The solicitor can't even tell you if the boundaries are in the right place. And boundaries are a really, really big problem with all building plots now.

When the Land Registry came into being and compulsory land registration formed, one thing that happened was that they only put registered boundaries in place when houses were sold. So, plots of land don't have them as a rule and almost all building plots have got their boundaries in the wrong place as far as the Land Registry are concerned. And sometimes seriously wrong.

We heard of the first plot we looked at where it was forty metres out, this plot actually had a five and a half metre boundary error which meant that the house that was approved to go on it, wouldn't fit. One and a half metres of it would've been on land belonging to somebody else.

Ben: But they can't fix it?

Jeremy: Yes, you can fix it. There is a process for fixing it and it's up to the vendor of the land to fix it. So, you have to persuade them to spend money with the Land Registry to get the title plans amended.

And it's not just the title plan to your plot of land, it's often the title plans to adjacent houses which means involving their lenders, building societies, banks and whatever because they obviously have a right on the title.

So, it gets quite complex to do this and quite time consuming. It took us a year between having our offer accepted on this plot of land and getting the boundary problem resolved. That's an indication of how long it can take.

Ben: Are we up to four years now?

Jeremy: We are, yes. It's about that time.

The other thing is that solicitors, when you go to buy a plot of land, they won't tell you about water and sewerage. So, it's up to you to ring the utility companies and ask them whether they can supply electricity; if you're on the gas grid, can they supply gas; can they supply water – and actually, the answer to water will always be yes

because there's a statutory duty on the water companies to supply water but the key here is at how much cost – and sewerage, can they supply mains sewerage. They don't have to supply you with mains sewerage. That's not a statutory requirement.

In our case, the electricity supply was easy. We had the electricity company come straight back and say 'you've got plenty of power right on your doorstep', 'there's a phone wire right on your doorstep. That's easy. It just means a pole moving.'

The water company came back and said 'yes we can supply you with water. We will have to dig up a lane for a distance of a hundred and forty metres.' We did some haggling over costs because part of the work can be done by anybody. Anybody with a licence can dig up the road and dig the trenches. Only the water company can make the connection. So, you have to shop around and get different prices to put the whole thing together.

The cheapest we could put the water supply in for was twenty-four thousand five-hundred pounds. The cheapest we could put mains sewerage in was fourteen thousand eight-hundred pounds. So, lots of money. We hadn't bought the land at this point. This is still me doing the due diligence before you buy.

We went back to the vendor and said 'the price of the land is silly. You know and I know that we're going to have to pay an awful lot of money to put the services in. It's why you've held on to it for eight years and not been able to sell it. Let's do a deal.'

So, we did a deal and we knocked a very substantial amount of money off the price. Then I set about looking at how we would resolve the water and sewerage problem.

Ben: So, really was this a case of getting this plot because you were prepared to deal with something that other people might not have wanted?

Jeremy: Indeed, it was, yes. That's exactly what it came down to.

In the end, I spoke to the selling estate agent and explained the problems and said 'if you think we're being awkward, this is the key issue. You cannot sell a plot of land with the boundaries in the wrong place, with no mains water supply.' And the estate agent didn't know any of that. The vendor hadn't told the estate agent about those problems. And actually, he has a legal obligation to tell the estate agent that. So, it gets very tricky.

Ben: We'll share some of my experience of looking for land but it does seem that a lot of these plots, as you go into it, you almost have to break down the gradual barriers to find these things. As you say, you have to work at it just to uncover what you've really got.

Jeremy: You do, indeed. Our biggest stroke of luck was the boundary error. Because it took so long to resolve legally with the Land Registry, it gave me a whole year to go into changing the plans for the house we wanted and modifying them, getting alternative ways of getting a water supply and providing drainage, finding the most cost effective ways of doing those things.

We found, for example, that we could put a borehole in, that there was sufficient water under the ground. There were lots of boreholes locally and a borehole was only going to cost about twelve thousand pounds complete, so, half the cost of mains water.

A sewage treatment plant was about two and a half thousand pounds to buy, another thousand to install. Much, much cheaper than digging up the road.

And perhaps most importantly, we didn't want to upset the neighbours. This plot had got a long and checkered planning history. All of the neighbours had objected to the building here and it's covered in a single lane track access all the way around so, any digging up of lanes was really going to inflame the situation with the neighbours before we even started. That was the very last thing I wanted to do, to create more problems.

Ben: But you had planning permission. You were just trying to get planning for what you wanted?

Jeremy: Yes. We bought the plot with planning permission for a little stone bungalow that we didn't want. But I actually thought the principle has been approved by the local authority of putting a house on this plot of land. It was a three bedroom bungalow that was approved. We only wanted a two bedroom passive house.

So, the principle of development had been established and that's a critical thing. Once the principle of development is established by an approval, it's extremely difficult for the planners to go back and remove it. Unless something in planning law changes or the local planning policy changes, they'd find it really hard to back off from that.

However, having said that, we're in an area of outstanding natural beauty, we're in a conservation area, we're within a few metres of a

grade two listed building and all of those things put constraints on what you can and cannot build.

So, for example, all of the external materials on this house had to be approved. But before we got to that stage, we had to actually get a new planning application together and in. So, I went around looking for an architect and decided that they're the professionals at this. I wrote a brief of eight key points we wanted in the house. We already had surveys of the land and the existing plans and I was immediately very disappointed with every architect that I went to.

None of them seemed to understand the concept of a low energy house. They would put things like skylights facing south into the roof. And you'd say 'what about overheating in this super-insulated airtight house?' And it was clear the architects would just say 'oh, the engineers will solve that.'

There's a big divide in architecture because architects are essentially artists. Their added value comes from their knowledge and artistry that they apply to the design. But they are essentially artists by training. They don't normally do engineering work in houses. They don't design the beams and the structures and everything else as a rule. They chuck that over the fence to a structural engineer and he has to solve the problem and make the house work.

But with a low energy, passive house, you've got to get that done in the initial design because actually, the shape of the house, the size of the windows, the orientation, the amount of shading, overhangs over windows and things, is vitally important. They're all key design elements. So, you have to find an architect who understands that.

I know of one locally now but I went around four architectural practices, got very disheartened and then decided it can't be that hard, I'll do it myself.

Ben: Did you have to have a local architect or did you consider someone from further afield? Was there something prohibiting that?

Jeremy: My personal view was that it would be easiest to have somebody local because they would be able to visit the site more often, communications would be easier if I could see them face to face rather than email or over the phone. I could've gone further afield and found a passive house specialist.

But I decided I'd do it myself. So, I designed the house and went through about four iterations and I have to say, I designed it during

this year when we were waiting to buy the land because of the boundary dispute. So, it was a bit of an interesting conundrum.

My wife couldn't really get her head around the sizes and shapes of rooms so, I made some scale models at fiftieth scale with a lift off roof and whatever so you could look inside and have a look at the rooms, where they fitted and whether the shower was big enough and was the bedroom big enough and was there enough space for all of the furniture and various bits and pieces.

At the same time, having read all of the previous planning applications, I realised it would be a good idea to do a scale model for the local population, the neighbours and the parish council, to enable them to have a look at what it might look like in the landscape. That turned out to be probably the most important thing I did.

I think the two most important things I did for planning were one, talking to all of the neighbours a lot. I went around and saw every single neighbour, spoke to them all, sent them Christmas cards, sent them a newsletter every three or four weeks saying what we were doing, showed them the scale model before we put the planning application in and went along to the parish council planning meeting, put the model down on the table – you're not allowed to talk to parish councillors; it's forbidden for applicants to talk – and then kept our fingers crossed that we wouldn't get letters of objection which would push it to the planning committee. Because if the planning officer decides, then it is decided purely on the law and the planning policies for the area. If a planning committee decides, then I'm afraid to say emotions come into play far more than planning law. Councillors tend not to want to upset those that have elected them. So, they tend to want to side with the objectors very often. So, that gets to be very difficult.

Ben: Is it just objecting against change or was there a specific thing that they didn't want?

Jeremy: Some of it was objecting it as change but all of the neighbours I spoke to had serious complaints, genuine concerns. One was concerned that we were going to overload the sewage system which apparently is pretty much at capacity. I managed to say that we're not actually using the sewage system, we're putting a treatment plant in and discharging clean water into the brook. 'Oh, well I don't have any objections at all if that's what you're doing.'

Two or three of them had objections to the height of the house because they couldn't understand that it was going to be set into a

hole, dug out of a hillside. They can't read the plans very well. People had a problem trying to think in 3D when they're looking at plans.

So, they took one look at the scale model and they said 'oh, it's going to be cut three metres down into the ground. That's fine. That's not going to be a problem. We were worried that it was going to completely block our view or cast a shadow over our garden.'

One neighbour had a worry about a window in the end of the house being able to see into their back garden. I was able to show by the model and say we wouldn't be able to see their back garden at all because the garage would be in the way, because we're setting it down into the ground. She took one look at it and said 'oh, no. That's great. That's going to help my garden because the wind won't blow my vegetables over. If you put your garage there then that's going to block the wind that whistles down this valley and my vegetables will do better. That's great. I'm all in favour of that.'

We had several cases where objectors turned to supporters simply because they hadn't really understood what it was.

So, I think engaging with local people is important with the caveat that you have to be a little cautious and not give in too much. Because you can get the odd person – and we had one – who once you give in one thing, they start asking you to do a bit more and a bit more and a bit more. Before you know where you are, you're spending an awful lot of money and you have to just put your foot down.

That's the only caveat, I'd say. By all means, engage the neighbours but it's your house at the end of the day. It's your plot of land. They're going to have to live with what you've built and it will be perhaps not what they would like to live in themselves.

So, we managed to get through the planning stage with no letters of objection at all, which is remarkable because the previous application had had fourteen objections at parish council level and dozens of letters. And of course, the number of letters of objection, if it's more than seven in this area, that automatically triggers it going to the planning committee.

So, by not having all of those objections, we can go to planning committee. We had to wait the six week consultation period out and then at the end of that, the planning officer rang me up just before Christmas and said 'the consultation period is over. I have no problem at all with what you're doing. I'm really excited with it. It's a

very exciting looking house. We've never had a house like that before. I'm going to recommend approval. I just thought I'd let you know before Christmas. It won't be signed off till after Christmas because the chief planning officer's on holiday and he has to sign the thing off but I can assure you that by the middle of January, it will be signed off.' Which it was.

So, then we had to go around and find a builder.

Ben: Just before we round things off because I think this is quite interesting to have talked about and we'll dig deeper into the whole story another time, I'm wondering if there are any other things, when you're building in a rural area, that you need to bear in mind? Other tips that you've found along the way?

Jeremy: I think the main one is making sure that services are going to be available.

Services in rural areas are often stretched to the limit. Lots of small villages have already been expanded as far as things like the telephone network, the electricity supply, sewerage system and even the water system will allow. So, I think they're the main ones. Get on to the utility companies and really pin them down.

Some of the utility companies are not terribly good at giving you detail. A good example is BT Openreach. The worst company in the world to deal with because they don't deal with the general public, they sell services.

So, when you're building a self-build, you are a developer as far as Openreach are concerned. They have carte blanche to charge you what they will to put a new phone connection in. If there isn't enough capacity, they'll just charge a hundred thousand pounds for a new multi-cable and you'll just get the bill. That's the sort of attitude they have if you can get a hold of somebody in Openreach.

I think you do have to do an awful lot more homework and not just assume you can get these things. I was very lucky here. Because Openreach are so difficult to get a hold of and I needed a pole moved which was actually an electricity pole but which had a phone cable on it, I couldn't find anyone to talk to.

There are no phone numbers for Openreach because they're a communication company and they don't like talking to people. It's no joke. They deliberately set it up so you can't talk to them.

I eventually found the mobile phone number for the local engineer who turned out to be an absolute gem. He was a super bloke called

Nigel and I'm indebted to him because he was a hard-working chap with a lot of common sense. When I said what I wanted to do, he said 'actually, that's going to make my job a lot easier. If we can make all of the network around you underground, if you can put ducts in for us – and we'll give you the cable and ducts for free – we'll do it all for free.' And I said 'really?' And he said 'yeah, yeah. The overhead cables down here are a nightmare for us with all these trees.'

So, he did. He gave me loads of free cable and ducts and because I was already digging trenches everywhere else, it cost virtually nothing to lay those in and it got rid of all of the overhead cables on site which was a bonus for me and a bonus for him.

Ben: Jeremy, let's stop there and we'll hear the story of your proper self-build, not just as we have in many situations, the contractors coming in and doing the whole lot. You were actually doing a lot of this work yourself. So, if we're okay, we can catch up next time about that.