

Community Right to Build

Notes of Meeting Thursday 9th September at the Cheltenham Campus of the University of Gloucestershire

James Derounian, Principal Lecturer in Community Development and Local Governance, welcomed delegates and introduced the topic:

- He trusted that everyone attending had read the [Communities & Local Government introductory leaflet on the initiative](#).
- He noted that the initiative relied upon trust – trust that people had the right to make decisions about their locality and to learn from the mistakes that may be made from time to time. He felt that the 10% limit to growth over 10 yrs helped to provide assurance that this was not a developers' charter.
- He drew attention to the [announcement from the Planning Officers Society \(POS\)](#) (published that day) that it “welcomes in principle new proposals that enable communities themselves to address the serious shortfall in housing in rural areas, particularly housing that meets the affordability criteria of young families, low earners, and the elderly”. The POS added that “if the CRtB is to continue, we suggest that it is extensively piloted, with a cap of, say, 50 homes. Parish Councils would be able to take on the role of the legal client body”.
- James strongly supported the idea of piloting the approach. However, to help make a success of the pilots he felt that the referendum terms should be eased, with something between 65 – 80% support rather than 90% needed to allow schemes to proceed.
- Attention was also drawn to the [Home on the Farm Initiative](#) that featured as an element in the Coalition Agreement.

Initial responses to the introduction added varying degrees of scepticism. One delegate described the local referendum as ‘unworkable’ whilst others queried who would have the ‘right to vote’ since this may be the major determinant of the outcome of a vote. In particular how might those people forced out of a village for want of a home be able to influence the vote?

Many people were puzzled that anyone might think that a ‘right to build’ could magic away entrenched local opposition to development. One person quoted an example where a parish vote on a proposal for just 6 houses by a community-led land trust had shown majority opposition.

Others wondered how many communities had the capacity to examine local need, make proposals that would meet needs, resolve differences, obtain finance to underpin the proposals, resource a fair referendum and then nurture proposals through to a completion. One delegate said that in his experience a period of capacity-building was needed to ensure that it would be worthwhile to explore any new initiative.

Many delegates wondered what could be gained from by-passing the democratic planning system. Since the planning system provides a public mechanism to weigh up and balance competing demands for investment and land, with published criteria available to all and the right of elected members to overturn policy where they feel justified to do this, would the 'right to build' confuse and potentially undermine the forward-planning system? One delegate even suggested that we may be re-entering an era where a status of 'rotten borough/parish' might reappear.

By breaking down into smaller groups for discussion, the following list of key points – in no particular order - was gleaned:

- Equity – a group of like-minded people are not necessarily going to be 'inclusive. Who might actually benefit from the initiative?
- Insufficient resources available – and diminishing – to deliver.
- How is land to be sourced as affordable – how might landowner expectations be addressed?
- 10% opposition/90% support not deliverable – pitches altruism against self-interest. Simple majority is needed.
- Economics provides the key – by-passing the planning system is a diversion.
- Small villages vs sustainability remains an issue
- Lack of engagement with a planning system that has been designed as much to protect (conservation, green belts, AONB, etc) as to facilitate development
- Drop in the bucket – tinkers at the fringes whereas a fundamental shift in policy is required
- There is too little information on practical aspects to allow for its potential to be fully assessed.

Questions that arose from each of the discussion groups – together with any further elaboration of these from the open discussion – were:

- Where does this initiative leave the Development Plan?
 - RSS documents tended to put villages in the background and may be a significant contributory factor in their demise – but many/most were underpinned by village plans that had been initiated earlier
 - Local authorities often have sustainability criteria for prioritising investment in smaller settlements – are these now abolished?
 - Some approaches to sustainability may have reinforced problems rather than addressed them – this initiative may encourage a more inclusive hub-and-spoke approach?
 - Should the encouragement be to build on the reality and experience of community-led Parish/Neighbourhood Plans rather than discard their benefits?
- How do communities get the skills, experience – and then the funding – together [even outside the planning system]?
 - It was noted that there is already a 'power of wellbeing' on Town/Parish Councils that pass the 'Quality Councils' test – perhaps they should 'foster' affordable housing projects?

- Some experience suggests that a relatively small resource can harness enthusiastic volunteers
- How are checks and balances to be carried out eg land contamination, flood risks, utility capacities – will there be an associated ‘community right to plan’?
 - Will land identified prove to be mortgageable?
- Will allocated sites with permission count toward the allowable growth of 10% over 10 yrs?
- Community aspirations for design may be very different from those of the planners – will there be a learning mechanism for planners?
 - In the absence of imposed planning constraints will communities come to better understand the term ‘positive planning’?
- Will there be any test of the materiality of issues raised with the community through the referendum?
- Will the initiative increase the supply of land which will allow the provision of affordable houses?
- Will a positive community vote be sufficient to support the case/require the local authority to compulsorily purchase the land if the landowner is not a willing seller?
 - It was noted that this was a feature of a similar Stratford-on-Avon initiative but the LAs costs had to be underwritten
 - Whatever the approval level set for the referendum, how are election results to be authenticated for public acceptance?
- Will there be HCA funding behind the initiative – of around £60,000 per dwelling?
 - Current experience suggests the inevitability of a need for private housing to cross-subsidise [any] affordable housing.
 - Experience in Devon suggests that communities may be willing to accept as little as 20% affordable housing [encouraged by second-home owners?]
 - Thorough business planning for a community land trust may allow for the front-funding of a development or set of developments
 - Rural housing toolkits do exist
- Who will decide who will live in the properties provided?