

How to CRTB – Some Notes on the Community Right to Build – July 2011

On July 23rd 2010, Grant Shapps, the Coalition Housing Minister, announced his intention to create a Community Right to Build (CRTB) for rural communities which would allow them to create modestly sized additions to their villages without the need for conventional planning permission.

The CRTB is part of the Localism Bill which is still passing through parliament, and is not expected to become law until the end of 2011 or early 2012. In January this year the department for Communities and Local Government published an 'Impact Assessment' on the Bill. It is a rather technical document but gives the most thorough explanation to date of how the CRTB will operate. Most of the information in these notes comes from that document. Many aspects of the CRTB have not yet been explained by the government in detail; the following notes are intended to give a picture of what is known so far.

Is there a modest-scaled development that would benefit your village?

A CRTB development can only add 10% to the size of the settlement in any ten year period. You will have to gain broad support for your idea, so there should be a clear community benefit.

What uses do you have in mind?

A wide range of uses are possible in a CRTB project – affordable homes or business units, sports/play facilities, a village hall, a community shop or pub. The project may also include commercially valuable uses such as homes for sale, provided the value it creates (capital or revenue) is used to fund a 'community' project.

Have you assembled a community-based group to carry out the project?

A CRTB project can only be carried out by a 'corporate body' established by members of the local community; we are waiting for a more precise definition on what this means. Your group or organisation might also end up owning any property you build (if it is for rent rather than for sale), so it will have to be constituted accordingly. Useful information is available on CLT Network website (see below).

Have you spoken with the local council?

Your parish council should almost certainly be part of your team, as they are well connected to the local community and know about the issues facing your village. The district council will also play a key role in the process; you should speak to them at an early stage.

Does your project-team have access to some development expertise?

Planning your project will be a complicated task. You will probably need to use an architect to help you develop your ideas, and probably also an estate-agent/development consultant to help you plan the financial structure of the project. A friendly house-builder or your local housing association might also provide useful advice.

How will the project team be funded?

The CRTB project will cost a significant amount of money before any of the value it creates is realised. The government estimates an average of £40,000 per development – for professional and legal fees, for instance. The Community Land trust Network’s ‘Step-By-Step Guide’ offers some useful guidance on how you might cover these costs.

Have you identified a suitable site?

If it’s inside the village’s ‘development boundary’ as described in the local plan, a normal planning application is probably the best way forward, rather than a CRTB Order. If your project is just for affordable homes it might be easier to go for a normal planning permission under a ‘rural exceptions’ policy in the Local Plan, even if the site is outside the development boundary.

Can you agree a suitable price to acquire the land?

Getting approval to build outside the development boundary creates a massive leap in the value of the land. Make sure the land-owner is doing you a decent favour; you will need to get the support of the local community for the project to go ahead, and if anyone is seen to be doing too well out of the project getting this support may be much harder.

Can you ‘sell’ your idea to the local community?

Don’t expect everyone simply to agree that your project is an excellent idea. You will have to be prepared to really ‘sell’ your idea, explaining why the village needs the project and showing that no one is set to make unreasonable personal gain by taking part.

What next?

If you’ve assembled a viable project and think you’ve got the right level of support from your community, the next step is to ask your district council to review your proposal. They will check that:

- the proposal comes from a properly constituted group
- it is of an acceptable scale
- doesn’t propose ‘excluded development’ (e.g waste-handling or mineral extraction)

The proposal will then be considered by an independent examiner nominated by the CRTB project team with the agreement of the local authority. They will check that:

- the proposal does not run against national planning policy
- the proposal is in general conformity with strategic policies of the area’s local plan
- making an order won’t breach or be incompatible with EU obligations
- the proposal is consistent with convention rights for human rights and
- the geographical extent of the referendum

Proving local support for the project

If the project passes these two tests, the Local Authority is then obliged to organise a local referendum on the proposal. The cost of this will be borne by the CRTB project. If 50% of those voting are in support, the project can go ahead.

What about planning permission, and Building Regulations approval?

The granting of a Community Right to Build Order 'gives approval to build' even if the local authority are opposed to it and would not have granted a conventional planning permission. (More detail on this is expected in due course). The project will still have to comply with Building Regulations in the usual way.

Disclaimer

The information contained in this paper is for general guidance only. It reflects the author's current understanding of the CRTB, taken mostly from the 'Impact Assessment' published in January 2011. It does not claim to be exhaustive or authoritative, and is subject to the author's own interpretations and opinions.

Useful sources:

The Department for Communities and Local Government Community Right to Build:

<http://www.communities.gov.uk/localgovernment/decentralisation/localismbill/righttobuild/>

The Impact Assessment:

<http://www.communities.gov.uk/publications/localgovernment/localismneighbourhoodplans>

The Community Land Trust:

<http://www.communitylandtrusts.org.uk/home>

About Ruralise:

Ruralise is a blog written by Norfolk-based architect Matt Wood, about contemporary design in a rural context and the Community Right to Build – www.ruralise.co.uk