

## Community Right to Build

Under the Localism Act provisions, a Community Right to Build Order allows a local community group to bring forward a small scale development for one or more purpose. The designation of a Right to Build site is through a Neighbourhood Development Order.

The process similar to that required for adoption of a Neighbourhood Plan.

- A community group that meets the conditions laid down in the Act must submit a site-specific Community Right to Build application to the Local Authority. This would normally be a Parish Council in parished areas.
- The Local Authority assesses the application, in full or in outline, against criteria which includes the scale of the development and environmental constraints. The order must:
  - Generally be in line with local and national planning policies - Right to Build sites can only be used within the Green Belt “provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.” NPPF Paragraph 90
  - Be in line with other laws (like EU laws or the Human Rights Act 1998)
  - Only be for small-scale development and for a specific site.
- If it is accepted, the Local Authority makes arrangements for an independent examination of the proposal and pays the costs that this entails.
- If the examiner agrees to the proposed neighbourhood development order, the Local Authority is required to hold a referendum of the electorate in the specified area. A Right to Build Order requires the support of 50% of the vote of the electorate in the area.
- The neighbourhood development order may include specification of conditions to be attached to the grant of planning permission. Once made, the neighbourhood development order may enable the development to go ahead without the need for a planning application.

A restriction on ‘enfranchisement’, i.e. the right of the occupier of rented or shared ownership housing to buy the property, can be applied to a Right to Build site, which is the means by which affordable housing in rural areas can be retained to meet local need.

The costs of getting a proposal up to the stage of a referendum will fall mainly on the community. The appropriate ‘referendum area’ to pass the test of community support will need to be defined by the local authority and/or the independent examiner.

The difference between a Right to Build site and the current exception site approach is that a Right to Build site can include any type of development – open market or affordable housing, employment, community facilities or open space.