

Government consultation on the “Community Right to Build”:

Response of the Planning Officers Society

The Planning Officers Society is the single voice for public sector planning practitioners, pursuing good and effective planning practice. The Society's aim is to ensure that planning makes a major contribution to achieving sustainable developments, from national to local level, in ways that are fair and equitable and achieve the social economic and environmental aspirations of all sectors of the community. It is within this context that offer advice to the new Government, which we believe will lead to a more efficient and effective planning system.

1.0 The principle

- 1.1 The Society 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. We welcome development that will help to replace local infrastructure that is beyond its useful life, including post offices and community buildings. We welcome modest growth that will attract new residents whose patronage will help support local shops, pubs, and other community facilities. However, all such proposals must meet a test of sustainable development, and be based on sound planning principles, ensuring that planning constraints are properly accounted for, and that design is of the highest quality.
- 1.2 We consider that the proposal to sit Community Right to Build (CRtB) outside the mainstream planning system puts the CRtB body at considerable risk from poorly considered planning constraints, unforeseen planning impacts, flawed procedure, and human rights, and possible legal challenges flowing from these. We consider that a joint working arrangement with the LPA would transfer risk to a body with the necessary experience and know how, whilst recognising the independence of the CRtB body, and giving DPD status to its proposals. In combination with simple changes to rural planning policy at national level, we believe that CRtB development could be delivered quickly. In short, it is the current planning policy not the process which is proving one of the greater barriers to overcome.
- 1.3 Whilst much of the consultation has been in respect of avoiding the planning processes, this is but a small part of getting the necessary procedures in place in order for a scheme to proceed (building regulations etc) and more attention should be given to support the community groups in this regard.
- 1.4 If a good model can be devised, we would welcome a look at its applicability in urban areas where neighbourhoods suffer the same infrastructure problems, and the delivery of affordable housing is much less than is necessary to meet the need.

2.0 Detailed points

- 2.1 The current cap on growth (not more than 10% over 10 years) would not be likely to provide sufficient population to make much of a difference to most small rural schools and shops.
- 2.2 The 80-90% community approval rating will be hard to achieve in most cases, and is a radically different approach from that of a Planning Committee in determining a planning application, which looks at the relevance of consultation responses rather than the quantity. The 10-20% of objectors to a CRtB proposal may live in the properties most adversely affected, and the Human Rights implications should be examined carefully.
- 2.3 The difficulty of achieving an 80/90% approval rating may depend to a significant degree upon how “community” is defined for the purpose of the vote. A narrowly drawn boundary is likely to contain a higher proportion of people more directly and adversely affected by the development, whereas a widely defined “community” is more likely to contain a higher proportion of people supportive of (or, at worst, indifferent to) the proposals. The boundary of the referendum could itself become a big issue for the community.
- 2.4 The bureaucracy, cost and timing surrounding referendums could easily prove more of a barrier than current processes. The possible anomalies of those entitled to vote as opposed to those affected by the proposals should be carefully examined.
- 2.5 Communities may be vulnerable to landowner and developer collaboration that is not in their best interests.
- 2.6 Communities will need to produce very robust plans in order to be safe against challenge and technical or legal failure, and the safest and most economical model is that they work closely with their local planning authority.
- 2.7 If CRtB does go ahead, thought will also need to be given to monitoring and enforcement of what actually is built and relevant conditions/constraints.
- 2.8 We suggested a “Community Right to Plan”, (CRtP) by which the community could call upon the LPA to closely support their work, bear the professional risks associated with it, and procure any additional specialist work required from consultants. This would need to be a strong partnership, more than would necessarily emerge from a simple “duty to co-operate”. It would have the advantage of generating, in most cases, some ownership on the part of the LPA, which would make it more likely they will give the proposal accreditation once the plans are complete.
- 2.9 There would be considerable resource implications for LPAs carrying out work in support of CRtB, and an opportunity cost from being diverted from their existing priorities.

- 2.10 A simpler way forward would be to relax Government policy in respect of CRtB development in the countryside and green belt, and to help facilitate the funding of CRtB schemes – these measures would enable the mainstream planning process to deliver what’s wanted, which, in combination with a CRtP, would remove much of the risk.
- 2.11 In addition to CRtB, other existing mechanisms could also be adapted to assist to meet the objectives of enabling much needed development in rural areas more quickly. These include more imaginative use of exception policy/site, Development Orders and departure procedures.
- 2.12 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.

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