

Neighbourhood *Planning*



Neighbourhood Area Description – Community Right to Build Order

What is a Community Right to Build Order?

A Community Right to Build Order can be used to grant planning permission for small scale development for community benefit on a specific site or sites in a neighbourhood area.

A Community Right to Build Order can be used for example to approve the building of homes, shops, businesses, affordable housing, community facilities or playgrounds.

What is a neighbourhood area?

The area to be covered by the Community Right to Build Order.

What area should it cover?

The neighbourhood area should be the area that is to be improved by the Community Right to Build Order.

If there is an existing neighbourhood area for a Neighbourhood Plan covering the area, this must be used. If there is no existing neighbourhood area, the Parish Council or community group preparing the Community Right to Build Order can decide the boundary of the neighbourhood area.

The area can be large or small, for example it could contain a village, town centre, housing estate, employment area or a combination of these. Alternatively, it could be based on an administrative boundary such as a local ward. It must not overlap with any other neighbourhood area.

There can only be one neighbourhood area covering any site or area. As such, if it is likely that a neighbourhood plan will be prepared by the parish council (or neighbourhood forum in a non-parished area) in the future, the boundary of the neighbourhood area should be discussed with this group. Neighbourhood areas for Neighbourhood Plans usually cover a much wider area (usually the whole parish or ward).

Who decides what the neighbourhood area should cover?

A Community Right to Build Order can be prepared by a Parish Council, Neighbourhood Forum or community group. Whichever group is preparing the order will be able to decide what the area should be. However, if the order is being prepared by a community group and the area is covered by a Parish Council, the Parish Council should be involved in the process, particularly to check whether there is already a neighbourhood area covering the area or whether the Parish Council wishes to prepare a Neighbourhood Plan in the future. The local planning authority can also confirm whether there is an existing neighbourhood area.

How is a neighbourhood area designated?

The neighbourhood area must be approved by the local planning authority. To gain approval, the following must be submitted to the local authority:

- map identifying the area;
- statement explaining that the group preparing the Community Right to Build Order is a qualifying body (Parish Council or community organisation);
- statement explaining why the area is appropriate to be designated.

A neighbourhood area application form is provided on the website. There is a general neighbourhood area form and one specifically for Community Right to Build.

Where a valid application is made, the local planning authority must advertise the application for six weeks and seek representations. The local planning authority may decline to consider the application if the Parish Council or Neighbourhood Forum has already made an area application and a decision has not yet been made on that application.

The local planning authority can designate an area or can refuse to designate because they consider that the specified area is not appropriate to be designated as a neighbourhood area. The decision must be published on the website, with a map of the designated area or reasons for the refusal to designate.

When should the neighbourhood area be designated?

One of the first tasks of the community organisation, Parish Council or Neighbourhood Forum will be to decide the boundary of the neighbourhood area. This will depend on what the aims are of the Community Right to Build Order.