

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.

Application to designate a Neighbourhood Area for a Community Right to Build Order

Town and Country Planning Act 1990 (as amended)

Neighbourhood Planning (General) Regulations 2012

Please note that the information provided on this application form may be published on the Authority's website. Questions 8 and 9 are only applicable to community organisations.

If completing by hand, please use block capitals and black ink.

1) Applicant contact details

(representative from community organisation, Parish Council or Neighbourhood Forum)

Title and full name

Mr Simon Palmer Clerk to Antrobus Parish Council

Address and postcode

1 Merryfield Cottage
Goosebrook Lane
Highe Whitley
Warrington
WA44PT

Email address

antrobuspc@yahoo.co.uk

2) Relevant body statement

Is the group you represent a relevant body (community organisation, Parish Council or Neighbourhood Forum) to prepare a Community Right to Build Order in your area, in accordance with section 61G and paragraph 3 of Schedule 4C of the Town and Country Planning Act 1990 (as amended) and regulations 5(c) and 13 of the Neighbourhood Planning (General) regulations 2012? Community organisations only should also complete questions 8 and 9.

(please select one answer)

Yes: ~~Community organisation~~ / Parish Council / ~~Neighbourhood Forum~~ (delete as appropriate).....

No

Name of community organisation, Parish Council or Neighbourhood Forum

Antrobus Parish Council

If a Neighbourhood Forum, has this been designated yet?

(please select one answer)

Yes

No - but application submitted

No - application not yet submitted

3) Name of Neighbourhood Area

Please give the name by which your Neighbourhood Area will be formally known.

Antrobus Neighbourhood Area 1

4) Extent of the area

Please indicate below and attach an OS plan showing the intended extent of the area.

(please select one answer)

Area not covered by a Parish

Whole Parish boundary area

Part of one Parish

Includes more than one Parish (please complete section 6 below)

A map showing the area to which the application relates has been attached.

5) Intention of the Neighbourhood Area

Please indicate which of the following you intend to undertake with your Neighbourhood Area.

(please select all that apply)

Neighbourhood Development Plan

Neighbourhood Development Order

Community Right to Build

6) Additional Parish details (if applicable)

Please complete this section if the proposed Neighbourhood Area includes more than one Parish.

Please provide details of the additional area covered and the name(s) of the relevant Parish/Parishes.

If the neighbourhood area includes the whole or any part of the area of another Parish council, the lead Parish council is authorised to act in relation to the neighbourhood area only if the other Parish council(s) have given their consent.

Please provide the name and signature of a representative from each relevant Parish council to confirm that the Parish council have provided formal agreement and are happy for you to act on their behalf.

7) Extent of the neighbourhood area

Please provide a statement to explain below why you consider that the extent of the neighbourhood area is appropriate.

If applicable, please provide a copy of the minutes of the Parish Council meeting(s) at which it was agreed that the whole/part of the Parish council area could be included in the Neighbourhood Area and that the applicant Parish Council were authorised to act as the lead authority on Neighbourhood Planning work.

1. The Area is suitable in size to locate the development likely to be proposed under a Community Right to Build Order.
2. The area is in a single ownership which is supportive in principle of the proposal
3. The Parish Council expects the whole of the Parish to be in the Referendum Area
4. The Parish Council minute 5 of the 20th April 2020 page 663 and minute 9 of the 18th May 2020 meeting page 667 is attached.

8) Relevant body declaration (community organisations only)

The following questions will confirm that you are a relevant body to undertake a Community Right to Build Order in accordance with Section 61G and schedule 4C of the Town and Country Planning Act 1990 and section 13 of the Neighbourhood Planning (General) Regulations 2012.

Is the community organisation a body corporate?

Being a 'body corporate' means that the organisation is a legal entity that is recognised in law and therefore has the capacity to enter into agreements or contracts, assume obligations, incur and pay debts and can be held responsible for its actions.

(please select one answer)

Yes

No

Has the community organisation been established for the express purpose of furthering social and environmental well-being of individuals living, or wanting to live in the particular area?

The particular area is the area for which the community organisation is established, which may be the neighbourhood area or a larger area of which the neighbourhood area forms part.

(please select one answer)

Yes

No

Do more than half of the members of the organisation live in the neighbourhood area?

(please select one answer)

Yes

No

Are individuals who live or work in the area for which the community organisation is established entitled to become voting members of the community organisation?

(please select one answer)

Yes

No

9) Relevant body constitution (community organisations only)

The following questions will confirm whether the constitution of the community organisation meets the requirements to enable the organisation to be a relevant body.

Does the constitution of the community organisation identify that individuals who live in the particular area hold the majority of voting rights and have the majority on the board of directors or governing body of the community organisation?

(please select one answer)

Yes

No

Does the constitution include a statement that:

- identifies that the organisation must have at least 10 members, living in different dwellings to each other and who live in the particular area;
- the community organisation will carry on its activities for the benefit of the community in the particular area or a section of it; and
- indicating how it is proposed the community organisation's activities will benefit the community in the particular area (or a section of it)?

(please select one answer)

Yes

No

Please provide details of how the community group will carry out activities for the benefit of the community in the neighbourhood area:

Does the constitution include a statement that:

- identifies that any assets of the community organisation will not be disposed of, improved or developed except in a manner which the community organisation consider benefits the community (or a section of it); and
- identify that any profits from its activities will only be used to benefit the community in the particular area or a section of it (payment of profits directly to members / directors is not considered a benefit to the community); and
- identify that in the event of winding up of the community organisation or in any other circumstances where the organisation ceases to exist, its assets must be transferred to another body corporate which has similar objectives.

(please select one answer)

Yes

No

10) Declaration

I hereby apply to designate a neighbourhood area as described on this form and the accompanying plan.

Name

Simon Palmer Clerk to Antrobus Parish Council

Signature



Date

1 Oct 2020

Peterloo Estates

Booths Park 01
Chelford Road
Knuttsford
Cheshire
WA16 8GS

t: 01565 748 020
e: info@peterloo-uk.com
www.peterlooestates.co.uk

Notes:

SCALE 1:1250 @ A4

Postcode: CW9 6LB

Do Not Scale

© Copyright: Peterloo Estates Limited

DRAWN BY

DB

DATE ISSUED

December 2, 2019

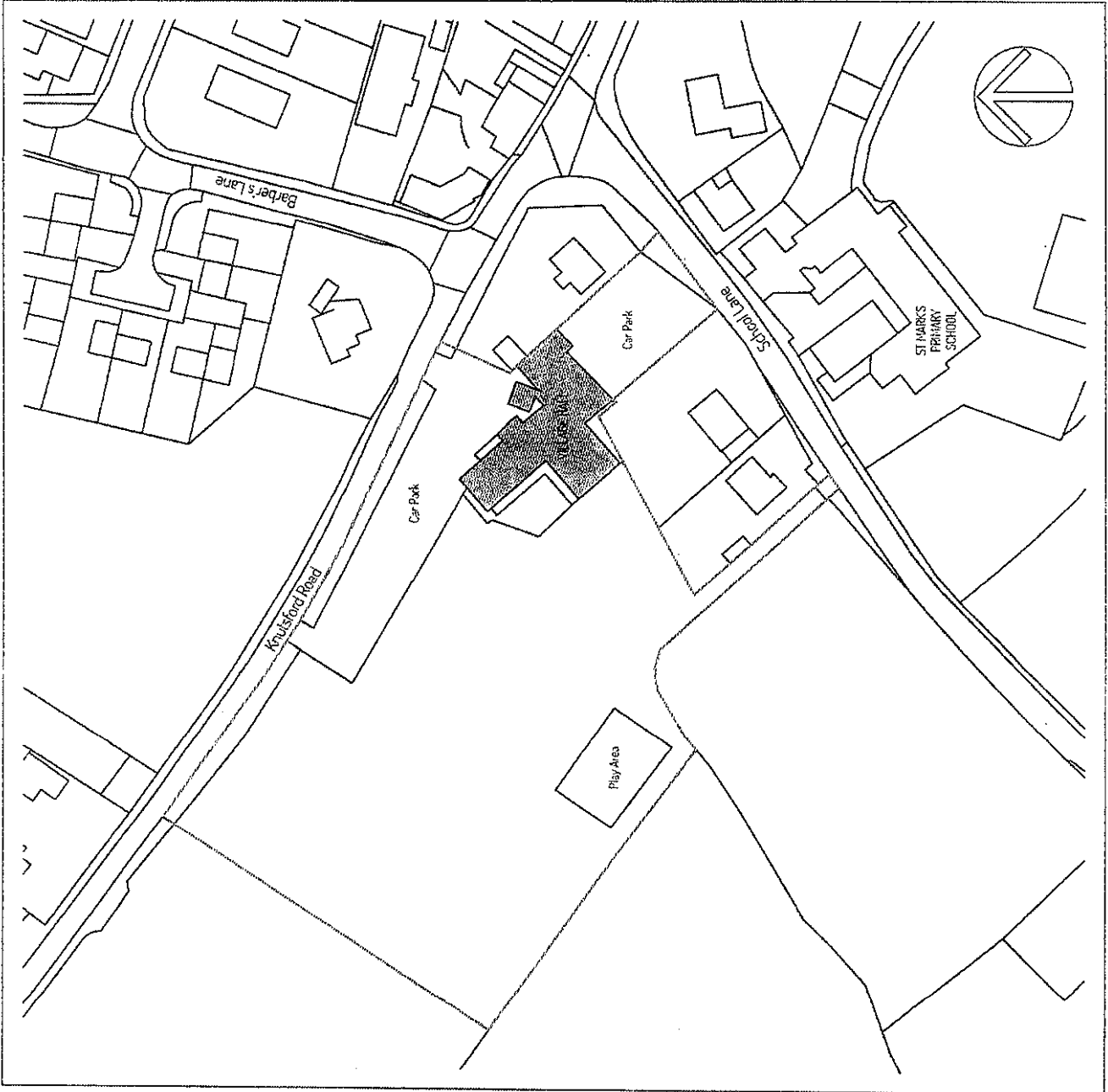
RE-ISSUE

PROJECT NAME

Neighbourhood Area | Antrobus | Cheshire

S.D.P.
1/10/20

A01



OS REF: SJ643017970

© Crown Copyright 2015. All rights reserved. Licence Number 100047514