



Right to Regenerate: reform of the Right to Contest consultation  
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Dear Sir

**IHBC Consultation Response - Right to Regenerate: reform of the Right to Contest**

The Institute of Historic Building Conservation is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

We are very pleased to have the chance to comment on the consultation document. The Institute's response is as follows:

**Q1: Do you consider the Right to Contest useful?**

Yes in principle as it will make provision for more valuable use of derelict sites for community members and in principle will reduce the number of sites that are detracting from the amenity, character or appearance of land in a particular area

**Q2: Do you think there are any current barriers to using the right effectively, and if so, how would you suggest they be overcome?**

Possibly need to raise awareness of this right and need to streamline ease of application. The proposed guidance in a definition of unused or underused land may help encourage the public to make requests.

**Q3: Would a definition of unused or underused land be useful, and, if so, what should such a definition include?**

A definition would be helpful as it would assist applicants to ensure the sites in being considered meet clear criteria. It will help those making requests feel confident the land is included before embarking on the process

**Q4: Should the right be extended to include unused and underused land owned by town and parish councils?**

Yes. It is important that any public land regardless of level of council ownership is included.

**Q5: Should the government incentivise temporary use of unused land which has plans for longer term future use?**

Temporary uses should not make changes which may limit potential future uses; they should not make any damaging changes to the land especially if it affects a listed building or its setting or the character and appearance of a conservation area; that there is clarity about the long term intentions for a particular site.

**Q6: Should the government introduce a requirement for local authorities to be contacted before a request is made?**

Yes. A positive discussion about the site in advance will help formulate reasonable and feasible proposals. To clarify facts about the particular sites and to ensure that people do not waste time applying for a purpose which has no reasonable prospect of being successful.

**Q7: Should the government introduce a presumption in favour of disposal of land or empty homes/garages where requests are made under the right?**

Proposals should meet set criteria in order to be successful and the system should be operated fairly and transparently

**Q8: Do you agree that the government should require these publicity measures where requests are made under the right?**

Yes

**Q9: Should government offer a 'right of first refusal' to the applicant as a condition of disposal?**

Yes. First refusal for the applicant would be fair especially if an applicant has had a preliminary discussion with the Council. This should last for long enough to allow community groups to put together financial packages and proposals.

**Q10: Should the government impose conditions on the disposal of land? And if so, what conditions would be appropriate?**

Yes. Conditions concerning enhancement of the environment and in keeping with the character and appearance of land in the neighbourhood. Conditions should ensure that temporary uses should not make changes which may limit potential future uses. They should prevent any damaging changes to the land especially if it affects a listed building or its setting or the character and appearance of a conservation area.

Sites with existing buildings should not be treated economically as potentially cleared sites especially where the buildings on the site may be of heritage, local, community or townscape value in any way not simply through formal designation. This may especially but not exclusively apply to industrial, agricultural, religious and community buildings.

**Q11: Do you have any additional suggestions regarding reforms that could improve the effectiveness of the Right to Contest process?**

Yours sincerely

Fiona Newton  
IHBC Operations Director