



# COMMUNITY LAND TRUSTS IN ENGLAND A STUDY OF AN EMERGING TYPOLOGY

**Dave Smith**



# ABSTRACT

Community Land Trusts (CLTs) are a relatively new yet rapidly developing and insurgent form of affordable housing provider within the English housing market. First defined in law through the Housing and Regeneration Act 2008, they are informed by the long history of community asset ownership in the UK and a well-established Community Land Trust tradition in the United States. This paper explores the extent to which an identifiable and consistent typology that could be termed 'the English CLT' has recently emerged – distinct from that of other affordable housing providers; congruent with, but separate from, the American experience; and resonant beyond the limited confines of the Act. Through an analysis of history, contemporary literature, the impact of the American CLT movement and primary research in the form of six case studies and three further interviews, it pursues the hypothesis that three integral, interlocking component parts inherent within every English CLT (termed the 'legal framework', the 'affordability mechanism', and the 'organising culture') form the basis of a consistent typology. What emerges, however, is the predominant and permeating nature of the 'organizing culture'. The paper thus concludes by contending that it is this that lies at the heart of what can still be determined a consistent typology – albeit one that is more conceptual, that values process over product, and which recasts the initial proposal. CLTs in England thus emerge not just as vehicles for housing provision, but rather as a wider, all-encompassing structure for local organizing that pursues community empowerment in a manner that is self-acknowledging and at odds with established political and municipal assumptions, definitions and practices.

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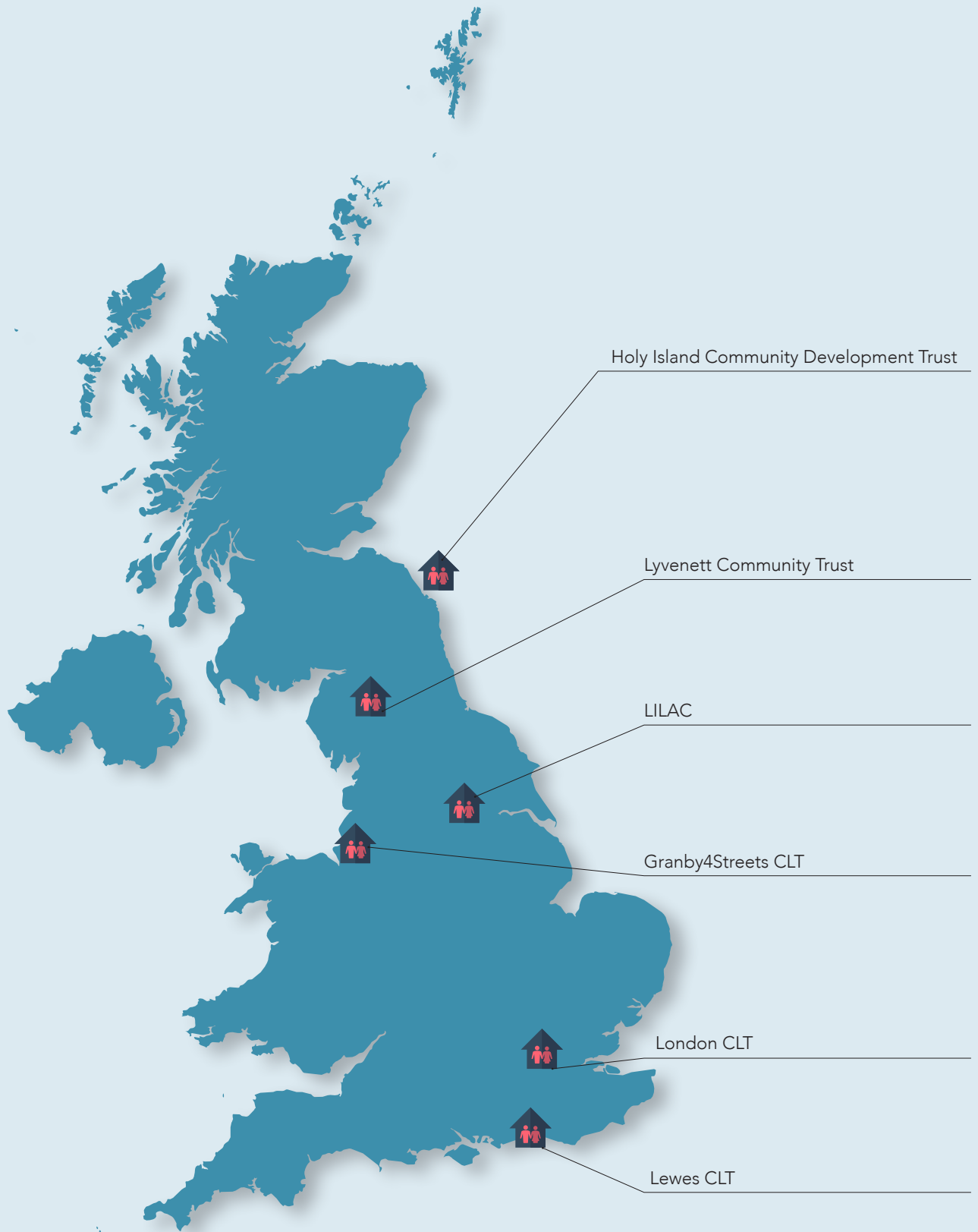
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# PICTURE MAP OF UK PLOTTING 6 CLT CASE STUDIES



# INTRODUCTION

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The steady emergence of Community Land Trusts (CLTs) across England over the past fifteen years is not a wholly unprecedented phenomenon. The fundamental premise of the model – that of communities collectivizing land ownership, so that any rise in unproductive value may be utilized for a social purpose – has deep and widespread roots, sown throughout history and across many nations.

The story of English CLTs, however, can in many ways be read as a peculiarly native one. They owe much in their first instance to the long, particular, contentious and predominant history of land tenure across the island of Great Britain. And, in their modern day parlance and practices, they appear to draw incongruously and to varying degrees from both experiences of the British ‘third sector’ and those of the ‘International CLT Movement’ (which possesses its own history, more definitive set of typologies, and which largely preceded it.) Indeed, it was not until CLTs were loosely defined within the Housing and Regeneration Act 2008 (Appendix1), and National Community Land Trust Network for England and Wales (NCLTN) was formed in 2010, that any organized or remotely prescriptive structures for their governance existed at all. As such, variations within the model, different emphases and a relative typological vacuum has emerged.

The chief aim of this paper, in terms of a single unifying question, is to establish: is there an emerging, consistent typology that could be termed an ‘English Community Land Trust’ – one distinct from that of other affordable housing providers; congruent with, but separate from, the American and international movement whose name it adopts; and more illustrative of their practices than the necessarily reductivist stipulations the 2008 Act cares to articulate?

The research begins by looking to establish, for the very first time, a definitive, written account of the philosophical and practical history that informs the CLT movement in England. From this premise, it undertakes an analysis of the



contemporary literature (such as currently exists in this field) in order to inform a clear and structured methodology for the pursuit of common CLT themes. Within these emerging themes – termed the ‘legal framework’, ‘affordability mechanism’, and ‘organizing culture’ – a series of subqueries become apparent: ‘what must a CLT be?’, and, conversely, ‘what can it not be, if a unified theory is to emerge?’ The ambiguities and gaps within the literature review in this regard then serve to inform the basis of primary research, which takes the form of six case studies. These are complimented by a further three interviews with those who have a national and international perspective of CLTs. This combination, of exploring both illustrative types and the informed opinion of those with a ‘birdseye view’ of CLTs, is then analysed in an attempt to bring greater conceptual order to what otherwise currently resembles a rather amorphous and disjointed picture.

The paper concludes by contending that Community Land Trusts in England do form a recognizable typology, which is predominated by their ‘organizing culture’, and that ultimately they are defined not solely just by their considerations of the built environment, but rather are a more expansive vehicle for self-organized, inclusive communities seeking social justice on their own terms. In closing, it considers the question of whether or not English CLTs even stand to benefit from a ‘tighter’, more readily recognizable definition of themselves, or whether their historic and customary organizational ambiguity is in fact essential to both their purpose and their successes. It makes a number of recommendations that it is hoped will assist the policy making process, planning audiences and prospective CLTs alike.

## HISTORICAL AND LITERATURE REVIEW

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### **A Brief History of English CLTs**

The nature of CLTs in England today has been born out of the long history of land tenure across the island of Great Britain, and continues to be shaped by the ever-evolving relationship between the natural rights of citizens, the power of wealth, and the authority of the state.

Wyer asserts that this can be traced back to the advent of the Norman Yoke, prior to which “‘free born Englishmen’, subject only to the king” (2009, p.4) were free to cultivate small holdings of common land. A critical review would rightly accuse his depiction of over-simplification – John (1960) illustrates how the seventh-century concept of ‘bookland’, for example, heavily impacted upon modern conceptions of ownership. Whence, indeed, ever existed such a series of arrangements as Wyer describes is a fair question. But that his leading historical account of community asset ownership opens in such a way illustrates, I would contend, one of its most significant theoretical underpinnings: it is from a distinctly harmonious, equable, free and just conceptualisation of pre-society – Rousseau rather than Hobbes, Locke rather than Filmer – from which the movement begins.

### **REBELLIOUS PROCLAMATIONS**

A full exploration of the historical patchwork of the formative influences that led from this point to the advent of the modern day CLT could inform a viable thesis in itself. The Magna Carta, which Linebaugh (2008) asserts as an affirmation of people’s right to fulfil their basic needs through uncurtailed resources; the resonance of Wat Tyler’s insurrectional cry at Smithfield in 1381 (Matheson, 1998); More’s echoing vision of ‘the best state of a commonwealth’ as one in which there is “no (private) property among them” (1516, p.68); the story of St George’s Hill, “remoulding the social thought” of the nation (Berens, 1906, p.213); the

works of Spence (1775), Wollstonecraft (1790), and Paine (1791, 1792) – all formed part of the early dialectic of English land reform, from which emerged the first practical trials of collectivized land ownership.

### BENEVOLENT PROVISIONS

Following Robert Owen at New Lanark, progressive industrialists built model villages at Saltaire (1851), Bournville (1879), Port Sunlight (1888) and New Earswick (1902). Such was their influence, “It is only now, when Great Britain is working out, sometimes with insufficient preparation, the mechanics of the welfare state and its economic implications, that the astonishing originality and prescience of Owen’s mind can be really appreciated” (Cole, 1953, in Bell, 1954, p.135). Alongside such moves, and out of the Almshouse tradition, emerged housing associations, with an estimated forty-three organisations established in London alone between 1840-1914 (Mullins, 2000).

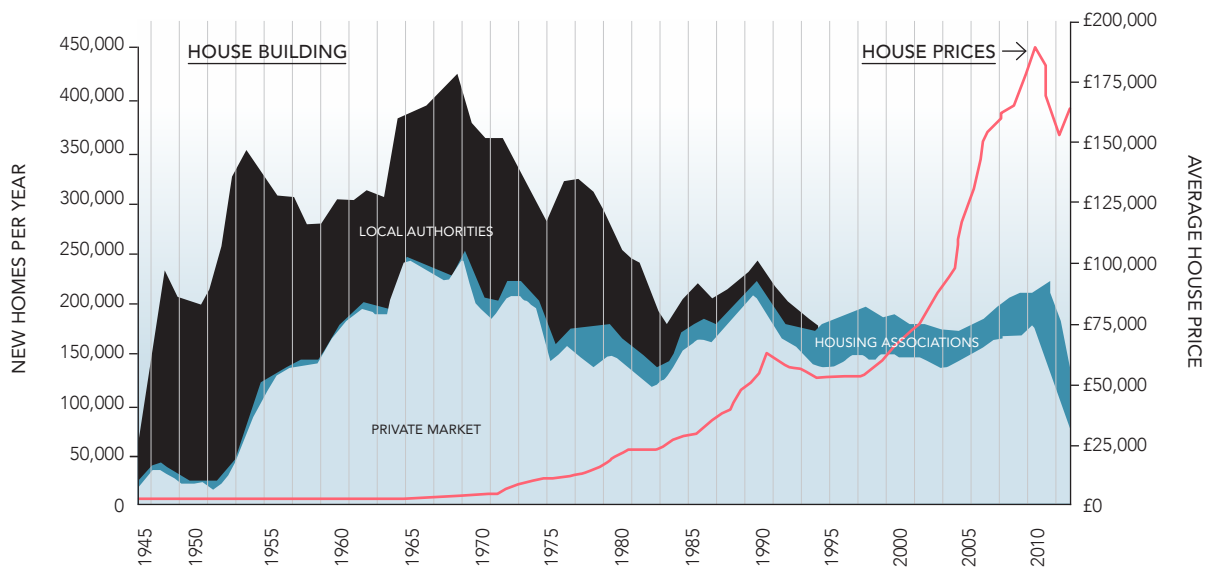
### MUTUALIZATION

The mutualization and democratization of these benign yet, arguably, ultimately disenfranchizing endeavours marked the next step towards the modern day CLT. Howard’s ‘Tomorrow: A Peaceful Plan to Real Reform’ (1898), and the first Garden City, incorporated at Letchworth in 1903, chief innovation was its treatment of land values: occupants would pay a ‘rent-rate’, which was used to pay off the initial capital and thereafter by a Trust for reinvesting in improved amenities. This was a radically different model to before, whereby rising land values were primarily expropriated as profit for private landlords, and served to inform the CLT principle of common land ownership held in perpetuity.

## NATIONALIZATION, PRIVATIZATION AND DE-COMMUNITIZATION

“The origin of the state sector” Merrett (1982, p.3) asserts, “lay essentially in the failure of both private enterprise and the philanthropic housing movement to provide model dwellings for the working classes at rents they could afford”. So acute had become the question of land provision for housing by the time of the interwar period, the imperative for innovation and organization was taken away from self-organized endeavours. This led to “the most important year in our planning history” which Barker (2014, p.14) contends was 1947, “...when the Town and Country Planning Act effectively nationalized development rights”. It was as if, momentarily, as Hanley (2007, p.51) describes, “the enlightened self-interest that characterized the building of workers’ villages... was swelled and amplified by two world wars into a central, life-changing pillar of the new Welfare State”.

A massive nationalized housing provision was not without its problems, however. Hanley also recalls how “between 1955 and 1965, council homes went from being the crowning glory of the new welfare state to mass-produced barracks” (ibid., p.103). And even this crudely utilitarian provision, with all its mixed blessings, was not to last. A depoliticization of social housing provision, combined with the outright privatization of stock and an increased reliance upon the private and third sectors for its development was introduced through the 1974 and 1980 Housing Acts, and the 1990 Town and Country Planning Act, respectively.



*Post-War Housing Supply*  
(Meek, 2014, p.2)

Increasing commercialization and a tendency towards 'mega-mergers' by housing associations contributed towards what many saw as the dilution of their social mission, and large-scale incorporated group structures saw them become more removed from, and less responsive to, their tenants (Pawson and Sosenko, 2008).

The history of housing provision within the twentieth century thus came to represent, from the perspective of the English CLT movement, I would contend, an inefficacious and remote struggle between the vested interests of institutionalized bureaucracies and parsimonious capital. Unresponsive, unaccountable, unrelational – both in products and processes – many communities were left feeling bereft by the state, the market and the third sector alike. So much so, in fact, that some were now ready to start reimagining how their neighbourhoods could be rebuilt from first principles.

## The International CLT Movement

According to Davis (2010) – the leading world authority on CLTs, and who has emerged as the movement’s chief biographer and philosopher – the first certifiable CLT was ‘New Communities’, founded in Albany, Georgia, in 1969.

Like the English experience, the north American one asserts similar philosophical starting points, but somewhat emblematically also incorporates wider international influences – citing not only the work of English pioneers and their American contemporaries, such as Henry George and Ralph Borsodi, Davis (2010) also notes kibbutzim and an “understanding of property as a web of relationships that led Mahatma Gandhi, India’s Great Soul, to articulate the doctrine of trusteeship from which the word “trust in CLT is derived” (Matthei, 2000, in Davis, 2010. p.278).

The shift to an identifiable contemporary form, however, came through the work of an Ohio native, who sought to implement his ideas about land reform for the purposes of racial and social justice in the southern states: “previous leasehold communities, including the Garden Cities in England, the single-tax communities in the United States... They were land trusts. They were not community land trusts, however, as that term is understood today...The person most responsible for putting the “C” in CLT” – Bob Swann” (Davis, 2010, p.10). Through his involvement in the Congress for Racial Equality, Swann had met Slater King (cousin of Martin Luther) in 1963, who had been part of efforts with the National Sharecroppers Fund to buy sites for black farmers forced off their land: “Out of their partnership was to emerge the prototype for a new model of land tenure, known today as the community land trust” (ibid., p.11).

New Communities was followed by the first urban CLT in Cincinnati in 1981. Today, over 240 CLTs are in operation across 46 states. The model was defined

and refined through 'A Guide to a New Model for Land Tenure in America' (1972), the 'Community Land Trust Handbook' (1982) and, since its incorporation in 2006, the work of The National Community Land Trust Network (now 'Grounded Solutions'). The 'Classic CLT Model' (Appendix2), as it has come to be known, outlines a set of principles and operating guidelines that not only serves to inform the work of CLTs across the US, but has become the fundamental steer for that which now regards itself as an emerging 'international CLT movement', boasting organizations in Canada, Belgium France, Italy, Holland and Australia.

## **Advent of the Modern English CLT**

Throughout the 1990s interest in the American model had begun to percolate. The experience of US sharecroppers had formed the philosophical inspiration for some Scottish crofters who formed Trusts and partook in community buy-outs of land from absentee landlords on the Isles of Eigg and Ghiga (Hunter, 2012), and a loose affiliation of academics, early practitioners and social justice charities began to emerge.

There is no singular nor definitive written history of the CLT movement in Britain, but it appears that the first instance of the model arose virtually in isolation as Stonesfield Community Trust in Oxfordshire in 1983 (Aird, 2009, p.8). Formed by three friends in reaction to rising house prices that "were threatening to narrow the age, social and economic range" of the village (Stonesfield Community Trust, 2017), it produced six dwellings that were successfully completed seven years later. However, it was not until 1999, when Dr. Robert Paterson and Dr. Karl Dayson formed Community Finance Solutions (CFS) as a research unit specialising in community asset ownership at the University of Salford, that the movement started to take shape. Along with Pat Conaty – who "knew of the Institute of Community Economics, had met them in the US, and invited

them over to the UK” (Hill, Rodgers, Conaty & Jameson, 201 p.1) – in 2001 they became involved in a project funded by the Countryside Agency, examining the nature of rural financial exclusion. Their report, ‘Investing in People and Land’ (2001), recommended the creation of new type of organization – Community Asset Reinvestment Trusts (CARTs) – which were to be the combination of regional loan funds and a CLT which would “develop land for affordable housing that could then be kept in the community under a restrictive covenant” (Dayson, Paterson & Conaty, 2001, in Paterson & Dayson, 2011, p.8). The authors gradually refined the CLT component, as distinct from the CARTs, over subsequent years and a second endeavour in High Bickington, in Devon, took hold.

The breakthrough came, however, upon the awarding of a national government grant to the Carnegie UK Trust who established a National Community Land Trust Demonstration programme, led by CFS, which ran from September 2006 to December 2008. Its success exceeded nearly all expectations – three CLTs started on site with 30 homes being built (the target was one to start on site) with another 139 homes in the pipeline. The report ‘Lessons Learned from The First 150 Homes’ asserted that “the ability and determination of communities to get things done with the right support has been proven” (Aird, 2009, p.19).

The loose affiliation of academics, practitioners and funders that had been involved up until this point subsequently lobbied hard for statutory recognition of the new model. Deliberately drafted in a manner that would allow CLTs to be expansive and innovative, their proposal was adopted with minimal alteration as part of the Housing and Regeneration Act of 2008 (Appendix1).

The next step was to consolidate their available resources and experience through the formation of The National CLT Network, which was established in 2010, and has since sought to provide technical assistance, funding advice and a national lobbying function for member and prospective CLTs. This, combined



with an – at least outwardly – congenial ‘Big Society’ planning environment being pursued by the Coalition government of 2010-15, led to a considerable spike in the number of CLTs being established. According to its most recent publicly available annual returns, the NCLTN cites “175 Community Land Trusts now established, 527 homes delivered to date and, most significantly, another 2,500 homes in the pipeline” across England and Wales (NCLTN, 2015, p.3).

## Contemporary Literature Review

The question this paper is looking to address – namely, what constitutes a CLT in England today – is nowhere asked in explicit terms within contemporary writing on the subject.

Aird (2009, in Davis, 2010) provides the most extensive summary, albeit one that recounts rather than debates their essence. Her starting point is that, “CLTs do more than create permanently affordable housing. They also deal with issues of employment, public space, local amenities, recreation and renewable energy” (ibid., p.455). She reaffirms that the legal definition was deliberately crafted to be intentionally broad: “It was designed to capture the aims and distinctive characteristics of the CLT. Significantly, the definition is not exclusively linked to the delivery of affordable housing, but to the wider interests of a community – of which affordable housing is only one crucial part” (ibid., p.456). However, these “distinctive characteristics” go undiscussed.

Recent case studies go further: Bunce (2015, p.134) asserts “CLTs have primarily formed as a community-based solution for local empowerment, community-led revitalization without displacement, and in some contexts, as an anti-gentrifying strategy to encourage community control over land”. Thompson (2015, p.1,035) attributes “A large part of the broad community mandate for the CLT model... (to) the democratic trust governance structure, enabling wider stakeholder

participation for long-term place stewardship...” Crucially, he notes, “The CLT recognises its scalar contributory relationship with surrounding urban areas” (ibid.).

Drawn from inner-city experiences, however, these views may be a somewhat narrow and unbalanced consideration of the whole. By contrast, Moore (2015) explicitly addresses the ‘drivers and aspirations’ behind the formation of rural CLTs in Somerset, Dorset and Devon. When viewed alongside the urban experiences noted above, his contentions draw fascinating parallels – CLTs are “thought to have succeeded by simultaneously providing leadership and focus to housing schemes and ensuring that knowledge and views of wider residents were incorporated into the planning process” (Moore, 2015, p.14). Furthermore, “Every CLT put an emphasis on self-determination”, emphasizing “both formal and informal methods of consultation” (ibid., p.13). Emerging in rural CLTs and the inner-cities alike, we can see a sense of collective identity forged chiefly not in legalese nor even desired material outcome, but rather in an expansive civic willingness, grounded in a localized sense of place, and committed to the importance of process.

In contrast to this search for unique and defining characteristics of English CLTs must be understood the other side of the debate – that which states the seeming similarities and fixation on forms are, beyond a certain point, if not only overstated, but also largely unhelpful. Hill agitates for a deliberately broad definition of what he titles ‘community-inspired housing’, inclusive of any who “liberate the potential of citizens to house themselves” (2017, p.10). He contends that “Housing cooperatives, cohousing and community land trusts each have characteristics of social organization that are sometimes unique, but mostly in common... The apparent need for and the value of gatekeeping organizations and their separate identities... (are) significant barriers to the

abilities of citizens to overcome the cultural and political obstacles to being agents of their own housing choices” (ibid., p.1). This advocacy of convergence, however, must at least be questioned, for whilst Hill’s case is made robustly, it neglects to reference the wider experiences of the CLT movement elsewhere – most notably Davis and Jacobus’s (2008) contention that, in the US, a broadening of the CLT’s definition, alliances and practices, and dilution of the specific CLT message has created circumstances that “challenge the ways in which the model has been structured, championed and applied for most of its history” (in Davis, 2010, p.535).

That said, Hill – the foremost British author on the subject – would no doubt riposte that he does not make his assertions on the basis of proposing a typological vacuum be allowed to arise. In his most significant work to date (2015), which contrasts the experiences of English CLTs to those in the US, he investigates the work of Bretherton (2015), which was in turn inspired by Boyte’s (2009) conception of ‘civic agency’. Here he and Bretherton discuss why CLTs must be loosely organized and flexible organizations, asserting that for organizations of their nature, “The issue...(in this instance housing)... is not the issue” (Hill, 2015, p.53). Rather, “It’s all about ‘agency’, creating leadership and organizing capability, of learning about a problem, and being trained to solve it” (ibid., p.53). This, for Hill, is not only sufficient but a significant determiner for CLTs. They thus emerge from his account as structures for community organizing, concerned with, but not limited to, issues within the build environment.

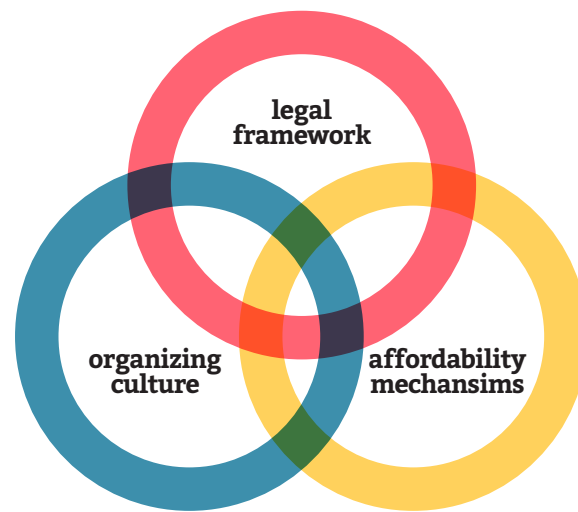
There does exist, however, one other, more definitive and universally remarked-upon strand of commonality. For Hill, it is the “acting out the principles of Ricardo’s Law of Economic Rent, forgoing any increase in the land value of their homes, and giving up the rent seeking potential of speculation in land” (ibid., p81); for Bunce, it is “social practices of community organizing in relation to

efforts to de-commodify and collectivize urban land” (2015, p.136); and for Moore, simply a repeated experience of CLT volunteers who “as local residents themselves... often spoke of the impacts they had observed of the rural housing crisis, particularly on local young people who found themselves priced out of accessing the housing in the village” (2015, p.9) Despite it not being an explicit part of the 2008 Act, every source of contemporary literature cites a clear commitment to the localized implementation of ‘perpetual affordability’ – the “opportunity for us all to show what truly affordable housing looks like” (NCLTN, 2015, p.3) – as a defining aspect of an English CLT.

## Emerging Research Questions and Methodological Framework

A series of common themes are beginning to emerge. Identifiable constants are that CLTs appear to necessitate localized governance structures; a belief in civic agency, confined more by a specified sense of place than necessarily the form of output; and a clear commitment to a localized form of ‘perpetual affordability’. By contrast, a rejection of ALMOs and housing associations standard practices seems essential, and an interesting question corresponding to their potential scalability begins to arise. The key driver appears to be a desire for a new form of ‘political’ recognition and agency, although whether or not participants recognize that description of themselves remains to be seen.

In light of this analysis, the initial research questions and direction of enquiry can be refocused slightly, so as to form a more cogent approach to the question of typology. It is thus the hypothesis of this paper that there are three integral, interlocking components inherent within every CLT that have emerged – namely, those that could be termed the ‘legal framework’, the ‘affordability mechanism’, and the ‘organizing culture’.



*Methodological Framework*

In terms of ‘legal framework’, it will be essential to establish in what ways CLTs have moved beyond (and feel it essential to move beyond) the loose structure prescribed by the legal definition. What forms should a commitment to a localised and representative governance structure take? Can and should English CLTs follow the form of the ‘Classic Model’? And what are the boundaries of self-recognized communities?

With regard to the ‘affordability mechanism’, the question of how localised decision-making bodies collectively interpret ‘affordable’ in a nationally recognizable manner immediately arises. Must it, for example, be self-defined and distinct, or may it be informed by, say, external calculations such as local housing allowance rates? What forms of tenure are conducive to such a model? And how must a CLT conceive of its assets differently to other organizations, if indeed it must at all?

Similarly, the notion of ‘organizing culture’ must explore the extent to which all CLTs are able to define themselves in a distinct manner. Do they concur with the hypotheses that it is ‘civic agency’, in fact, that is their *raison d’être*? And if they do, are there any prescriptions for the manner and practices with which this is to be pursued?

I propose that the research suggests that each of these component parts do exist as part of a continuum within every English CLT. They build upon and overlap with the 'Classic Model', yet are replicated to varying and unspecified degrees. The extent to which this proves to be the case, and the extent to which this structure proves sufficient for the purposes of further articulating a definitive typology, will inform the outcomes of this paper.

## DATA COLLECTION

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“The essence of a case study is that it tries to illuminate a decision or set of decisions: why they were taken, how they were implemented, and with what result” (Schramm, 1971, in Yin, 2003, p.12). Indeed, good qualitative data collection aspires to move beyond the superficial and readily apparent, and uncover the true complexity of experiences, attitudes and behaviours. The chief aim in constructing the qualitative research framework within this paper was to create – as far as possible – circumstances in which a sufficiently encompassing and representative series of views could be articulated, so as to inform a discussion of the leading research questions.

Six Community Land Trust case studies were chosen, in consultation with the NCLTN. Those selected were identified because of their prominence within the movement, for their individual displays of significant and distinctive characteristics, and because it was deemed that collectively they represent a thorough cross-section of the country and the different housing markets in which CLTs operate. In each case, the author sought to interview more than one representative, in order to try and achieve a broad perspective of each CLT’s activities. This was possible in all cases except for Lyvennet.

Name	Anonymised Interviewees
Granby Four Streets CLT	Board and staff members: “GRANBY1” “GRANBY2” “GRANBY3”
London CLT	Board and staff members: “LONDON1” “LONDON2”
Lewes CLT	Board members: “LEWES1” “LEWES2”
LILAC	Residents: “LILAC1” “LILAC2” “LILAC3”
Lyvenett Community Trust	Board Member: “LYVENNET1”
The Holy Island of Lindisfarne Community Development Trust	Board and staff members, past and present: “HOLY1” “HOLY2” “HOLY3”

In addition, three further interviews were undertaken with participants who – rather than representing the work of a particular English CLT – offered an informed perspective of the national and international behaviours of Community Land Trusts as a whole. These included a senior representative from the NCLTN (“NCLTN1”) and two leading authors on the subject – one English (ENG1) and one American (USA1).

The on-site interviews were designed by the author, with advice from a member of NCLTN. They were semi-structured, with a series of specific starting questions relating to each point within the methodology being asked to every participant, beyond which interviewees were encouraged to elaborate and clarify for themselves what they deemed to be the most pertinent issues. Detailed notes and direct quotations were recorded during each interview. Full interview transcription proved not possible, however, although a full audio recording was made of each discussion and was later revisited and analysed by the author.

Some further considerations that potentially limit the validity of the data arose during its collation. The author sought to mitigate common qualitative research concerns such as that of limited sample sizes, sampling bias, the Hawthorne effect (Landsberger, 1958) through careful consideration of the interview subjects, questions and the manner in which they were conducted – informed by the work of Jacob and Furgerson (2012) and Spencer, Ritchie and O’Connor (2003). But the innate predisposition of many authors towards hearing what they wish or believe should have been said, and interpreting it thus, is a valid concern. These tendencies can be mitigated, as Bradley notes: “The sharing of interview transcripts with the participants is an example of a practice that addresses this issue, by allowing the participants an opportunity to see and react to their own interpretation” (1993, p.433). However, this practice, due to time constraints, was not pursued as part of this work, and subsequently the subjectivity of both



that which has been chosen for citation and the manner in which it has been interpreted remains a consideration.

### **ETHICAL CONSIDERATIONS**

A full consideration concluded that there were no contentious issues relating to illegal substances, direct contact with children or other vulnerable groups within the proposal. All fieldwork was preceded by a risk assessment (Appendix 4); data protection issues were identified in advance, documented and mitigated; and an application to the Research Ethics Committee proved unnecessary.

## RESEARCH



## Case study

## GRANBY FOUR STREETS CLT

Location	Granby Street, Liverpool L8 2YD
Area of Benefit	Granby Triangle: Beaconsfield Street, Cairns Street, Jermyn Street, Ducie Street
Housing Market	Urban
Founded	2011
Units	13
Unit Breakdown	5x2 bed (rent) 6x2 bed (sale) (2 became Winter Gardens)
Membership	c. 250
Legal Structure	Industrial and Provident Society
Affordability Mechanism	Rent: local housing allowance levels Sale: Resale Price Covenant related to local incomes
Organizing Culture	Very localised and politicised community membership, focused on holistic regeneration on its own terms
Staff	1 full-time, 2 part-time
Commercial properties	Granby Studio Granby Market Winter Gardens
Private Sale / Cross-Subsidy	Cross-subsidy planned for Ducie Street
Capital Grant	£37,500 (DCLG)



“

**It's about taking the streets back – having an interest and claim on our streets. We never want to be in a position again where we are not at the table having our say... Before, we were a 'consultee'. Now we are a landowner. They can't do anything in this area without speaking to us.**

”



Granby4Streets CLT emerged from a history of social upheaval – the Toxteth riots, racial discrimination and a defunct Residents' Association. Guerrilla gardening, initially to shame the council and brighten the neighbourhood, evolved into restarting the street market, painting disused properties and the eventual establishment of the CLT as a vehicle to pursue a community-determined and community-owned regeneration. Turner Prize winning installations, a workshop and a 'Winter Garden' sit alongside its homes.



## Case study

# LONDON COMMUNITY LAND TRUST

Location	St Clements, Bow Road, Mile End, London E3 4LL
Area of Benefit	London
Housing Market	Urban
Founded	2007
Units	23 (further 12 in planning – Lewisham)
Unit Breakdown	Duplexes and apartments: 6x3, 12x2, 5x1 beds
Membership	c. 1,000
Legal Structure	Industrial and Provident Society
Affordability Mechanism	Resale Price Covenant related to local incomes
Organizing Culture	Political campaign born out of community organizing that became a housing provider – governance model most closely resembles 'Classic CLT'
Staff	3 full-time, 1 part-time
Commercial ventures	Shuffle Festival
Private Sale / Cross-Subsidy	No
Capital Grant	None



“ I don’t think it can succeed without community organizing – I think that is an essential component. Community organizing is the way in which the agency is developed, and through that the housing is developed, and through that the neighbourhood is transformed. ”



London CLT started as a campaign led by Alinskyst community organizing group London Citizens. Its pioneering innovation has been to author its own resale price covenant (since adopted by other CLTs) which derives the cost of the home from a calculation based on a survey of local wages, rather than any consideration of the open market rate. LCLT is currently the largest CLT in England and has been influenced more readily than others by the US model.



## Case study

# LEWES COMMUNITY LAND TRUST

Location	North Street, Lewes, East Sussex BN7 2PH
Area of Benefit	Lewes
Housing Market	Suburban
Founded	2007
Units	0 – 15 proposed
Unit Breakdown	0 – proposed 2/3 bed mix
Membership	12 corporate members – 250 on mailing list
Legal Structure	Community Benefit Society
Affordability Mechanism	Undecided
Organizing Culture	Amalgamation of like-minded citizens who previously took an active interest in planning matters – small current membership but with a desire to become more broad-based
Staff	None – all volunteers
Commercial properties	None
Private Sale / Cross-Subsidy	None – “but we wouldn’t rule it out”
Capital Grant	None



“

**We had campaigned against a development – we resisted it. And having resisted it, we then thought: well, what do we actually want to see done in the town? So we turned it around into a positive and set up as a Community Land Trust.**

”



Lewes CLT came into being as part of an attempt to acquire the old Harveys Brewery Yard, which has long been an historic presence in the town. It currently comprises a small number of dedicated and knowledgeable local residents, who are actively seeking to broaden its community membership and representative nature. It is working with the chosen developer for the ‘North Street Quarter’, in the hope of delivering its first homes as part of this wider scheme.



## Case study

# LILAC (LOW IMPACT LIVING AFFORDABLE COMMUNITY)

Location	Lilac Grove, Victoria Park Avenue, Bramley, Leeds LS5 3AG
Area of Benefit	Single self-contained site
Housing Market	Suburban
Founded	2009
Units	20
Unit Breakdown	8 houses, 12 flats and a common house: 6x1, 6x2, 5x3 and 3x4 beds
Membership	c. 50 (all residents)
Legal Structure	Industrial and Provident Society
Affordability Mechanism	Mutual Home Ownership Society (co-operative)
Organizing Culture	Self-contained 'member-benefit' organization – operates along principles of co-housing and 'consensus decision making'
Staff	None – residency stipulates volunteering
Commercial properties	No
Private Sale / Cross-Subsidy	None
Capital Grant	£420,000 (DECC/HCA)





“

**We are not a CLT – we did look at that structure, but decided against it because we thought it added an extra layer of unnecessary complexity we didn't need.**

”



LILAC Mutual Homeownership Co-Operative grew out of a small group of climate change activists and friends who met through the green movement. Built of straw bales, each resident owns 'shares' in the whole site which they buy through a monthly payment of 35% per cent of their net monthly income. Despite sharing many traits of a CLT they have recently chosen not to self-define as one.



## Case study

# LYVENNET COMMUNITY TRUST

Location	Crosby Ravensworth, Penrith, Cumbria CA10 3JP
Area of Benefit	Lyvennet Valley (parishes of Crosby Ravensworth and King's Meaburn)
Housing Market	Rural
Founded	2011
Units	10
Unit Breakdown	All houses: 4x2 and 6x3 beds
Membership	64
Legal Structure	Company Limited by Guarantee, then a Charity
Affordability Mechanism	All rented at HCA local rates
Organizing Culture	Once very active and engaged local organization, now less so due largely to its own successes – currently no resident members on the Board
Staff	None – Eden Housing Association act as managing agents
Commercial ventures	None – but the same group of people established a separate organisation that runs 'The Butchers Arms' as a community-owned pub
Private Sale / Cross-Subsidy	Yes – 7 self-build plots and 2 market houses (1x3, 1x2 beds) sold to cross-subsidise 10 affordable homes
Capital Grant	£660,000 (HCA)



“ I do think it’s about community and I do think it’s about people... but it’s also about delivering something that nobody else wants to deliver. ”



Lyvennet Community Trust – in rural Cumbria – emerged in response to a Parish Council housing needs survey (2008) which illustrated the need for 23 new homes. They were determined to ensure that these were available to local people and met the needs of an increasingly unbalanced local economy. Motivated by a dissatisfaction of previous market and housing association-led provisions, the Trust was formed in collaboration with local officials.



## Case study

# HOLY ISLAND COMMUNITY DEVELOPMENT TRUST

Location	Holy Island, Northumberland TD15 2SD
Area of Benefit	Holy Island of Lindisfarne
Housing Market	Rural
Founded	1993
Units	11
Unit Breakdown	Kyle Gardens: 3x2 and 2x3 beds Marygate (above Resource Centre): 2x1 bedroom flats Green Lane: 4x3 beds
Membership	77
Legal Structure	Company Limited by Guarantee and Charity
Affordability Mechanism	All rented – set at local housing allowance (HCA) rates
Organizing Culture	Now largely dormant due to considerable early successes, the Trust has undertaken three different developments, has a membership that covers half of the island and 'reactivates' when necessary.
Staff	None – Four Housing Group act as managing agents
Commercial ventures	Yes – 'Lindisfarne Centre' was developed to provide an office and 'trading arm' for the organization. It is also a shop and exhibition centre.
Private Sale / Cross-Subsidy	None
Capital Grant	£212,000 (HCA)



**“ We weren’t really interested in the theory – we were interested in the practical application. It was much more about what this place needed. How we could use CLTs? How we could access funding? The CLT was very close to what we do anyway and it gets us cash. Why wouldn’t we do it? ”**



Lindisfarne – a tidal island accessible only by a causeway that is covered by the North Sea twice a day – has just 162 residents. The sustainability of community life is hugely impacted by seasonal tourism; a temporary, low-skilled and low-waged economy; and second home ownership exceeding 50% of its stock. Threatened with the closure of the local school, the Trust was established with a remit to pursue community-led solutions to all of these problems, from which housing soon emerged as the underlying issue.

## FINDINGS AND ANALYSIS

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### LEGAL FRAMEWORK

The question of what a CLT in England has come to mean, beyond the equivocal definition in the 2008 Act, both naturally and in accordance with the hypothesis of this paper, starts with an analysis of how they have chosen to constitute themselves and what 'legal frameworks' they have felt it necessary to adopt.

All interviewees, from across the six case studies, accepted the "legitimacy" of the legal definition. One – Lewes CLT – even altered its corporate structure, becoming a Community Benefit Society in acknowledgement of the Act, for as Lewes2 noted: "We were originally advised by (name redacted) to have members but not give them any power, because you end up with trouble makers. But we wanted to be grassroots and the Act makes you give members power..."

Thus, in one immediate regard, it appears that the loose legal definition sufficiently implies a definable set of values and practices that a CLT must possess. (The NCLTN has subsequently issued guidance as to what "legal formats... are suitable for a CLT to adopt" (NCLTN, 2017).) However, as GRANBY1 summarized, the statutory definition existed for many "as a baseline", and from the perspective of a typological enquiry, "fails to really tell the story of what we are about".

The first difficult question arises in regards as to what the limits of the term 'local community' within the Act should mean. It states: " 'local community' means the individuals who live or work, or want to live or work, in a specified area" (Appendix1). But amongst the case studies, a series of different views soon emerged as regards what was an appropriate boundary to a 'specified area'. HOLY2 wryly remarked, "We have a very clear definition of community here. As soon as your feet start getting wet, you are out of the patch!" But for some, the question of appropriate scale raised potentially impactful concerns. Reflecting upon CLT advancements in America, LYVENNET1 stated, "some of

them are so huge I struggle with the idea that they are CLTs at all – they are big businesses... Champlain Housing Trust has got 6,000 units... They employ about 70 staff... I think the principle is there, but you do wonder about the community focus when you get that large. How close can you possibly be to the community when you get to that scale?"

Here a disparity between rural and urban English CLTs emerged, with the latter appearing less concerned about size as a restrictive feature within a consistent typology. LONDON2, whose CLT had recently passed a motion at their AGM to change their area of benefit from 'east London' to all of 'London', contended, "The London housing crisis is just that – a London housing crisis. It doesn't matter if you are in Ealing, Barnet, Poplar or Peckham. Your problems and your issues are the same." This was elaborated by LONDON1, who insisted, "If you can protect the democracy and the community involvement – whether or not you are small scale or big scale – that is the important thing... it is one of our primary focuses... Our shareholders, our election of the Board, the fact that we have protection around the three-way split so that no one group has dominance – they are the protections we have."

The question thus emerges, is the quintessence of a CLT diluted by a wide geographical remit? Or rather, is this a relative consideration, rooted in a more fundamental typological trait concerning the CLT's ability to maintain a localized and responsive democratic culture as one of its distinguishing characteristics? To test this, the question was put back to the smaller CLT who raised the reservation, in terms of a dilemma that challenged one of their own practical decisions about how best to constitute their organization:

**INTERVIEWER:** “Given your reservations about scale beyond a very local geography, is it OK for a CLT to become a registered housing provider... given all the externalized constraints and provisos that puts on you? Does that not pose similar questions about... disparateness?... if the question is local representation through structures?”

**LYVENNET1:** “Well... we decided to become a registered provider... not for any other reason but to save VAT on the purchase on the land! ...So we’re a ‘housing association’ but... Ok... that was the only reason we did that. We still really focus on the community – that matters more than the label.”

Hence we can see how Lyvennet and London CLT have made decisions, in the interest of delivering more affordable homes, that ostensibly seems at both odds with each other and the quiddity of a CLT, but are united by a rationale that exalts practice over frameworks. Perhaps what is more important therefore, and what emerged with greater consensus within the other interviews, is what GRANBY3 called “a commitment to community-led governance”. CLTs may adopt any corporate structures that meet the legal definition within the 2008 Act, and pursue any further organizational designation they wish, so long as those structures are conducive towards, and operate within, a localized, representative, democratic organizational culture which confines its activities to a specified, recognizable and mutually agreed understanding of ‘place’ and ‘community’.

At the other end of the spectrum, the case study of LILAC – which the author had understood to be a CLT, but at interview declared that it had ultimately chosen not to become one – proved a useful counter point, for as LILAC1 explained: “Technically we are a member cooperative, so we do not have a broader community function. The community we serve is a small bounded set



of members living in our houses. We could have set up a CLT and then LILAC MHOS could have been part of that but...”

But could it? This would necessitate making the case that LILAC – in the middle of a residential neighbourhood in west Leeds – constituted an entire ‘local community’. Yet whilst this would be patently absurd, and undoubtedly fall foul of the Act if queried, does the ‘member benefit co-operative’ structure prevent an organisation becoming a CLT? What if the case were made on behalf of a more isolated, self-contained development? “I don’t think so”, asserted LONDON1, in agreement with the other case studies, “we exist to involve the wider community in a broad, open and structurally inclusive way”.

We see here the emergence of the ‘organizing culture’ as an overlapping and, arguably, underpinning feature that predominates any discussion around practical structures within a CLT’s ‘legal framework’. As USA1 concluded, speaking of what he believes to be universals:

“It is a structure in which you hold and manage real estate – it is not an end in itself. We are creating the community land trust as a platform for great things. But it is the organizing culture that gets us the land in the first place, gets us to do things that are loved by the community, that keep us honest over time and stop us from drifting away. It’s a structure that allows for this culture to exist. |And respectively it is a structure that helps keep the organizing impulse real.”

## AFFORDABILITY

The glaring disparity between the emergence of a recognizable typology and the legal definition was summed up by NCLTN1 in the first words of their interview:

“It has to provide permanent affordability, even though that is not in the statutory definition.”

Within the case studies, answers about affordability can be viewed as on a continuum, with London CLT at one end, Holy Island at the other, and the others at various points inbetween. This continuum concerns the extent to which each CLT defines for itself (as opposed to simply accepting and applying externally derived definitions) what ‘affordability’ actually means. For LONDON1, there were, “real parallels to the Living Wage campaign... we started from what it costs to live and what people can actually afford – not what the market dictates. And I think in ten years’ time it will be common sense that ‘affordability’ is linked to local incomes.” Accordingly, London CLT created its own ‘affordability mechanism’, which derives a capital value for its homes based upon a multiple of local median average wages (Appendix3). This is reapplied at every point of resale. At the other end of the continuum, Holy Island opted to apply the local authority housing allowance rate to their rental product – ostensibly no different to what housing associations might do.

The question therefore emerges: in the absence of a unified approach to a definition of ‘affordability’ – given its proclaimed importance to the model, its critical role within the current British housing debate, and the very different ‘prices’ each CLT offers to prospective residents – what collectively defines a CLT in this sense, and to the exclusion of others? HOLY2 believed there to be a point of commonality that, again, spoke to the importance of process over product:

HOLY2: “Although we look more like a local authority approach, it starts from the local community saying what is affordable here. Social rents reflected the local situation.”

INTERVIEWER: “Was this ever discussed and accepted as a ‘true’ definition of affordable?”

HOLY2: “Yes – the LHA rate was our initial starting point, but it was accepted and chimed with what people wanted. And nobody ever objected. It was about lack of supply, not affordability in that way...”

Perhaps we can therefore conclude that ‘affordability’, for a CLT, can equate to any figure, as long as the definition is reached by local consensus? This proposition, although not superficially conducive to a clear and communicable typology, does fit with the academic literature and relative consensus that exists around how ‘affordability’ should be understood and applied (Hulchanski, 1995). And what is preferential and delineating about CLTs in this regard, ENG1 contested, is, “Its the responsibility of the local community to decide what it needs in that local place at that particular time. And that is where the long term stewardship is so important. Because you can change it.”

However, whilst locally-determined and relative definitions of ‘affordable’ may constitute the basis of a consistent typology, the term ‘permanent’ or ‘perpetual’ (used interchangeably by interviewees) presupposes a more definitive criterion. Consistent cases were made for why any form of open market sale, shared-ownership that permits ‘staircasing’ to 100%, or any rents that are established solely in relation to the open-market rate with no mechanism for review should not be considered a CLT. But beyond this, despite the public contention of the sector, a universally recognised and proactive application of the term

'permanently affordable' has not yet been established – a point that emerged from NCLTN1's assertion to the contrary:

"If you take the resale price covenant model used by St Minver and some CLTs in Cornwall, you basically sell the freehold to the buyer in a way that permanently discounts the value – so in St Minver it is 35%. The CLT doesn't own anything. They have control, but not ownership... So what we talk about in all of these models is that CLTs retain permanent affordability in one form or other..."

The nature of this interpretation of 'permanently affordable' was challenged in the interview. Presently it can be seen how 'affordability' is achieved, but what if local house prices rise to a level whereby even one-third of the market rate is not accessible to those on local incomes? Is this CLT not fundamentally different from others, having possibly structurally negated a supposedly collective commitment to 'perpetual affordability'?

**LONDON2:** "Its not permanently affordable in a structural way.  
That's why we linked our house prices to local incomes."

**INTERVIEWER:** "So are they not a CLT?"

**LONDON2:** "Hmmm... (sighs)... they are for now!"

What is of interest here, however, is not so much those potential consequences, but rather the underlying causal considerations and how these impact upon what it means to be a CLT. These lead to a fundamental question about the nature of the 'affordability mechanism' – namely, must CLTs own the land on which they are established?

"What tends to be a deeper defining characteristic of CLTs over here" USA1 contends, "is their stance towards land... Is community ownership of land the cornerstone of your work. Or have you really decided that what you're about

is affordable housing?” It is easy to see why within the American experience – steeped in a history whereby its earliest pioneers sought private property rights so as to be able to announce themselves as citizens – this would, to say the least, seem important. But when the question was put back to London CLT on the basis that it only owns its homes on a 250 year lease, the contention was met with an indifference that underlines the very important role that the historical and legal contexts of each nation have upon their own CLT typology:

**INTERVIEWER:** “Don’t you need to “own” the land?”

**LONDON1:** “We do own the land – to all intents and purposes...”

**LONDON2:** “By all common law presumptions it is sufficient, and we made sure that there is nothing in the sublease that impinges upon our affordability mechanism.”

Perhaps then, a commitment to the mutualization of land value capture, for the betterment of the local community, as slightly distinct to the American insistence on the ‘community ownership of land’ (Davis, 2010) emerges as a consistent English interpretation of the classic CLT model. But if the conceptualization of ‘affordable’, the implementation of ‘permanent’, and the nature of ‘ownership’ are all permissibly deemed to be relative, should the ‘affordability mechanism’ be considered to be a distinguishing mark of English CLTs at all? “Yes”, when it is a local social justice issue, ENG1 argued: “I think if affordability is a key part of trying to promote local well-being then it must be – it just happens that in the UK at the moment affordability is the key thing. Show me a community where it is not in the interest of local well-being...”

Even ‘affordability’ then, as sacrosanct as it first seemed to the emerging typology, can be understood as a relative consequence, ultimately subjugated by an ‘organizing culture’ which is emerging as the *raison d’être* of English CLT’s.

## ORGANIZING CULTURE

We can thus see emerging the pre-eminence of the 'organizing culture', as the component part that impacts more extensively upon the other two and that which most readily underlines what CLTs believe to be the defining essence of an English typology. However, the question remains: specifically, what are its constraints, boundaries and defining features?

The interviews were littered with anecdotes of how each CLT felt it embodied a unique sense of 'organizing culture' distinct to that of other organizations. One of the most illustrative was GRANBY1: "We've only had one non-payment... and rather than go down the standard housing association route of a letter after six weeks, and again after twelve, we got a Board member involved... discussing it with them... and we changed our policy to be more supportive of residents. Because what is the point of being a CLT if we just operate like a housing association? We can't just emulate the culture we are trying to change! We could have sold two of the houses for half a million each, and we're now worrying about how this stacks up... but that is the point! Who are we otherwise?! This is what we do."

However, the question of what they are – rather than simply what they are not – was met with considerable recognition of the fact that this was a much harder concept to define. One case study – Holy Island – which had worked closely with a housing association and which continues to procure its services, sought to draw a clear distinction which highlighted the importance of the CLT providing local agency and accountability that challenges otherwise standardized processes:

"When we got the housing association involved they promised to be hands off and they were... they were really good: they supported the development, they were different in their approach, the standards were better, they delivered something more bespoke than they did elsewhere. Because it wasn't just them doing it." (HOLY2)

LYVENNET1 concurred, and argued that what defines a CLT is a different conception of 'fairness' – one rooted in the specific boundaries of a self-defined community, not emanating from the concerns of disconnected geographies imposed by local authority boundaries or market opportunities:

"I suppose they (housing associations) are looking at it from the point of view of how many people they can help in total – they are perhaps housing more people in that way. And I can understand why they are doing it... but we are doing it from the perspective of our community. It flows from our community and ensuring it's survival – making sure there is a future for the village, inviting young people in... to support us old people (laughs)."

A practical embodiment of this notion, which consistently emerged as being of seminal importance, was the creation of CLTs' own local lettings policies, distinct from those that would otherwise be applied. Every CLT interviewed either had one, or was prepared to insist upon one, and in one case it was perceived as being the chief motivator for the entire project:

**HOLY1:** "Really the CLT approach gave the community the option of controlling the housing allocation, that was the driver."

**INTERVIEWER:** "But whilst it was the 'driver', is it a necessity?"

**HOLY1:** "I struggle to see where it wouldn't be... but again it's about the representation of the community, isn't it?"

An insistence upon local agency and accountability, therefore – tangibly more responsive and embodied in a structure that proclaims to be distinct from those that informed the CLTs' analysis of twentieth century – has created the contention that CLTs are 'fairer' than their counterparts. Or rather, to put it within a typological frame, they jointly pursue a new and organizationally distinct

conception of fairness, almost post-modern in its rejection of the pursuit of grand narratives, and which is now reimagining housing through the prism of its own social constructs.

In itself, however, this is not enough, ENG1 – who has worked with CLTs across the country – contends: “What the CLT implies is a long term commitment to place – it can’t just be a quick and dirty campaign to make something happen.

If you come together, you want there to be a CLT, the organization has to be there for the long run... There are Community Development Trusts that don’t have that... this commitment to community well-being... A lot of them are often very good projects... it works in its own terms... but it is not about community well-being.”

Thus, CLTs in England are chiefly defined by a long-term commitment to reimagining a particular place. Interestingly, this is perhaps why some have acquired non-housing assets which they deem essential to the betterment of the local community. Despite the legal complications that eventually meant that, “... it is completely separate from the CLT”, LYVENNET1 insisted that the ‘Butchers Arms’, a community-owned pub in the same village, which was bought out by community shareholders and is run by the same Board of Directors, is “as far as I am concerned a Community Land Trust as well.”

ENG1 takes the notion further still: “The idea that I have developed more and more, is that the things that really need to be done in housing policy, can no longer be done by local government. And if Citizens don’t step forward and say ‘Well these are the things we want’ – local government has a role, but structurally cannot deliver in the way citizens can... St Clements is a great example of that – if we went to government and said ‘This is what we need to do.... People can only buy them at that price and sell them at that price’ – they would run a mile... But if you put the right processes in place and trust it to create the





right outcomes – and I do – then given the fragility of our democratic capacity otherwise, this I believe is the long term solution... We just need to have the courage to trust the process.”

“So is it fair”, I asked USA1, “at the end of this search for a definitive typology for English CLTs, to conclude that – as expansive as it is reductive, as radical as it is conservative, and as novel as it is immemorial – these are just a set of structures and processes with no other validity or purpose than the extent to which they empower self-organized, inclusive communities to seek social justice on their own terms?”:



“Yes absolutely. The thing that drew me to the work of Geert de Paul in Belgium, to London CLT... it’s about community control of ownership and that comes out of organizing culture – using the land as a platform for community control of the trajectory of the neighbourhood. Wherever I am, in the United States or in another country, if the only conversation we are having is about affordability or the kind of housing we are building – that’s not really a community land trust as far as I can see.” (USA1)

## RECOMMENDATIONS

### LEGAL FRAMEWORK

MUST BE 	MAY BE	CANNOT BE 	CONSIDERATIONS
totally compliant with requirements of 2008 Act	Community Benefit Society (Industrial and Provident Society)  Community Interest Company  Company Limited by Guarantee which is also a Charity  Company Limited by Guarantee that has custodian member of the constitution to ensure an 'Asset Lock'	in breach of the 2008 Act	Charitable status may restrict the extent of wider activities beyond housing
internal structures assuring commitment to localised, representative, democratic, community-led governance	registered provider	housing association in spirit or unrefined practice, or employ their practices without customization	RP status and a wide 'area of benefit' pose greater, but not insurmountable, challenges in this regard
dedicated to specified, recognizable and mutually agreed understanding of 'place' and 'community'	of any size or contiguous geography	defined solely by insensitive statutory boundaries or market opportunities	A sense of collective purpose, as well as geography, can sometimes inform the boundaries of a community
deliberately broad, open and structurally inclusive membership organization	the 'Classic Model' of CLT governance	member benefit co-operative / residents only on the Board	Community share offers are often advantageous

## AFFORDABILITY MECHANISM

MUST BE 	MAY BE	CANNOT BE 	CONSIDERATIONS
reflective of the local community's agreed experiences of 'affordable'	linked to local incomes  use an externally established definition (e.g. local housing allowance rates) – as long as this chosen and agreed to by CLT	determined solely by reference to market rate	Capital grant from government agencies may restrict ability to determine own affordability level
committed to the principles of providing affordability in perpetuity	rental  long-term leasehold forms of 'homeownership' ('resale price covenant')  Mutual Homeownership Society	open market sale, shared-ownership that permits 'staircasing' to 100% or any rents or leases that are established solely in relation to market rate with no mechanism for review	Leasehold of CLT land is acceptable if sufficiently long but is less conducive to ensuring perpetual affordability
committed to the principle of expansive mutualization of land, for the wider purposes of promoting local well-being	delivered through grant or cross-subsidy	organization that disposes of any assets for the purposes of private gain or as a form of demutualization	Cross-subsidy should be approached with caution and the narrative of how any surplus delivers further affordability must be easily and readily communicated

## ORGANIZING CULTURE

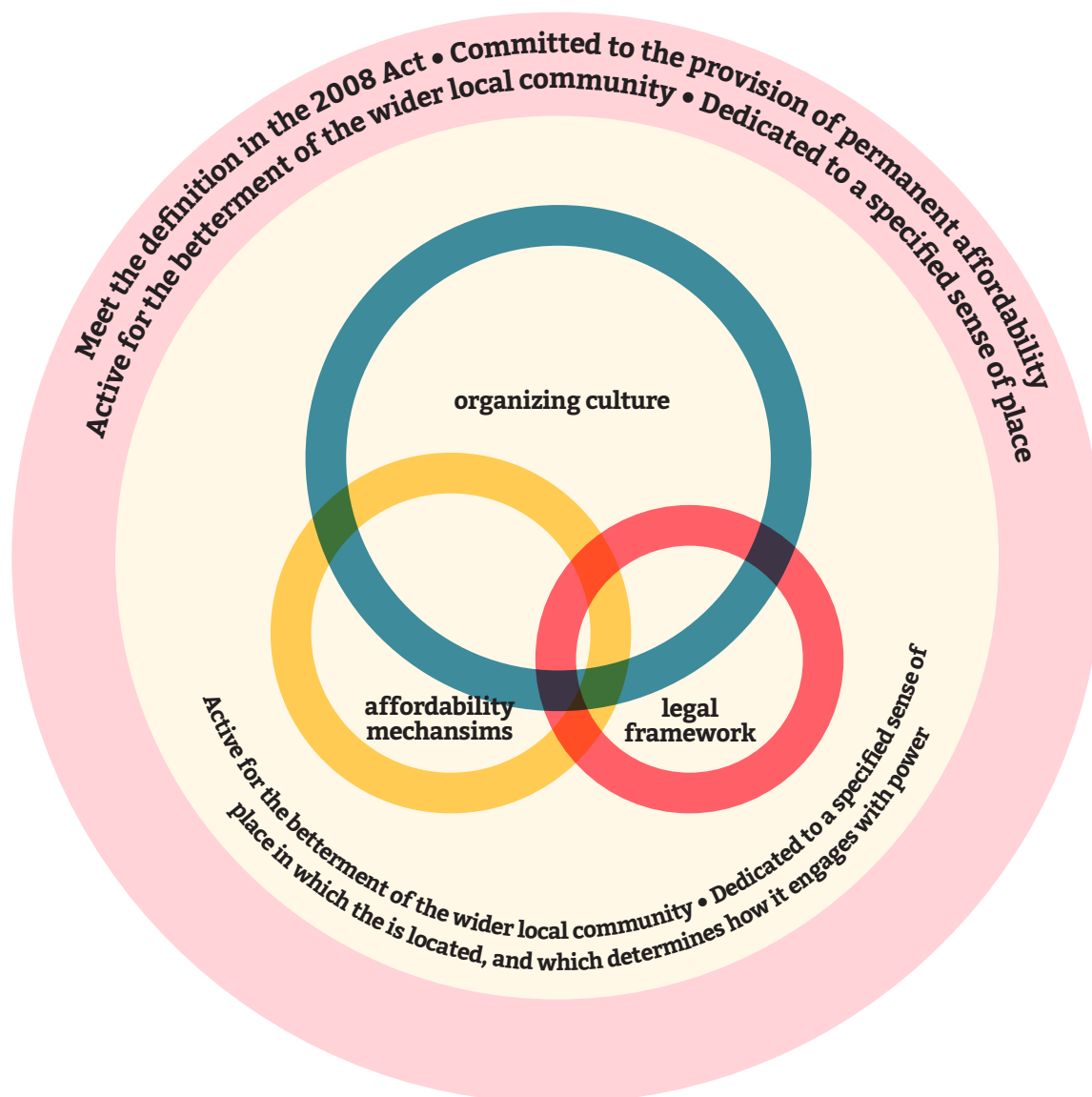
MUST BE 	MAY BE	CANNOT BE 	CONSIDERATIONS
responsive organization that gives voice to a local sense of agency and accountability	in contract with a housing association by way of managing agreement	a culture that simply replicates that of established providers	CLT's own policies and stewardship mechanisms – especially its own local lettings policy – is highly recommended
committed to a particular place for the long term	an organization that escalates and deescalates its activity at different points, provided it is always there	a “quick and dirty campaign”	There is significant literature on the concept of ‘stewardship’ to help CLTs
about more than just housing	interested in acquiring other assets of community value	without a wider sense of political purpose	Does not mean partisan

## CONCLUSION

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This paper began with a clear and specific brief: to establish – through a study of history, contemporary literature, the impact of the international CLT movement and primary research – whether or not there is an emerging typology that can readily identify English Community Land Trusts.

The hypothesis was that there are three integral, interlocking components inherent within every CLT, which could be termed the ‘legal framework’, the ‘affordability mechanism’, and the ‘organizing culture’. In the first instance, these were presumed to be of a loosely equivalent scale as regarded their scope and impact upon the typology. What has emerged, however, is the permeating and predominant nature of the ‘organizing culture’, which this paper contends lies at the heart of what can, and should, still be determined a consistent typology – albeit one that is more conceptual, values process over practice, and as such must realign the initial proposition. Furthermore, as well as being disproportional, the initial hypothesis negated a wider consideration that I believe has been shown to determine much of the typological nature of the English CLT, especially when viewed within the context of the wider ‘international movement’. The political culture and traditions of the particular place in which the CLT is located, which frequently determines how it organizes and how it responds to political power, must be seen to be a defining factor also, and encompasses the earlier considerations. This whole structure then sits within and is guided by – for the time being at least – the confines of the 2008 Act, a commitment to an idea of permanent affordability, and is active for the betterment of the wider local community in specified sense of place.



*English CLTs – a typological frame*

In more practical terms, the table above seeks to summarise these findings in a manner that may assist the policy making process, planning audiences and prospective CLTs.

There are a number of limitations to this work. This paper pointedly did not ask whether or not English CLTs are a 'good thing'; whether they are an effective way of providing affordable housing; whether this form is 'scaleable' and likely to achieve their stated aims; nor even what impact they can or should wish to have upon Britain's devastating housing crisis. These are all valid and interesting themes, and many of them have been explored very effectively elsewhere. But

what must be answered, by way of closing, is whether or not English CLTs even stand to benefit from this question of typology? A case could be made from the research herein that perhaps their customary organizational ambiguity is in fact essential to both their purposes and their success. But on this point I have little doubt. As USA1 concluded, upon being asked whether the advent of an American CLT typology ever did much to serve the real interests of those in local communities facing the day to day struggle that is the fight for recognition and land:

“It is absolutely essential... until there was a common language, a common remit for what a CLT is, it was hard to distinguish the CLT from competing models, competing traditions... it was hard to draw people together under the banner of CLTs until there was a common vocabulary. But conversely, I think that once you have a common agreement as to what a CLT is, it gives you the freedom to innovate within the structure and improve the ‘Classic Model’. And we need to take the classic model and modify and improve it. But if you innovate, if you deviate from that core set of values, not only do we sever the connection to our roots and the sense of purpose and struggle that comes from that, but we also lose the power and opportunity of the model we use. So the common model creates a yard stick of values and performance against which you can assess whether an innovation or deviation has helped you.”

It is to this end that it is hoped that this essay is of some benefit to both those researching and pioneering the Community Land Trust movement in England.

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# APPENDICES

## APPENDIX 1

### The Legal Definition of a Community Land Trust in England

Source: *Hansard* Available online at:

<http://www.legislation.gov.uk/ukpga/2008/17/section/79>

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### Housing and Regeneration Act 2008

2008 c. 17 • Part 2 • Chapter 1 • Other key concepts • Section 79

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Latest available (Revised) Original (As enacted)

**Advanced Features**

Show Geographical Extent (e.g. England, Wales, Scotland, Northern Ireland)

Show Timeline of Changes

**Opening Options**

**More Resources**

Original Print PDF View more >

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. View outstanding changes >

**79 English bodies**

(1) In this Part "English body" means—

(a) a registered charity whose address for the purposes of registration by the Charity Commission is in England,

(b) [F1 a registered society] whose registered office for the purposes of [F2 the Co-operative and Community Benefit Societies Act 2014] is in England,

(c) a registered company which has its registered office in England,

(d) a community land trust which owns land in England, and

(e) any other person (whether or not a body corporate registered under the law of the United Kingdom) which—

(i) is not a Welsh body within the meaning of section 1A of the Housing Act 1996 (c. 52) [F3 or a local authority in Wales], and

(ii) makes available, or intends to make available, accommodation in England.

(2) In subsection (1)(d) "community land trust" means a body corporate which satisfies the conditions below.

(3) In those conditions "local community" means the individuals who live or work, or want to live or work, in a specified area.

(4) Condition 1 is that the body is established for the express purpose of furthering the social, economic and environmental interests of a local community by acquiring and managing land and other assets in order—

(a) to provide a benefit to the local community, and

(b) to ensure that the assets are not sold or developed except in a manner which the trust's members think benefits the local community.

(5) Condition 2 is that the body is established under arrangements which are expressly designed to ensure that—

(a) any profits from its activities will be used to benefit the local community (otherwise than by being paid directly to members),

(b) individuals who live or work in the specified area have the opportunity to become members of the trust (whether or not others can also become members), and

(c) the members of the trust control it.

**Annotations:**

**Amendments (Textual)**

F1 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, Sch. 4 para. 122 (with Sch. 5)

F2 Words in s. 79(1)(b) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, Sch. 4 para. 124 (with Sch. 5)

F3 Words in s. 79(1)(e)(i) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), Sch. 1 para. 4



## APPENDIX 2

### Summary of the 'Classic CLT Model'

Source: John Emmeus Davis (2010)

Available online at:

<http://www.clroots.org/what-is-a-clt>



Three clusters of characteristics, defining the community land trust in terms of ownership, organization, and operation, came to be known as the “classic” CLT:

#### OWNERSHIP

- Title to multiple parcels of land, scattered across a targeted geographic area, is held by a single nonprofit corporation. These lands are never resold, but are removed permanently from the market and managed on behalf of a place-based community.
- Any buildings on this community-owned land are sold off to homeowners, cooperatives, nonprofits, or other corporations or individuals. These structures may already exist when the nonprofit acquires the land, or they may be constructed years later.
- A ground lease knits together - and equitably balances - the interests of the nonprofit landowner and the interests of the buildings' owners. This ground lease lasts for a very long time, typically 99 years; it is also inheritable and mortgagable, allowing the owners of residential or commercial buildings to obtain private financing to construct or to improve their structures.

#### ORGANIZATION

- The nonprofit landowner - i.e., the community land trust (CLT) - has a corporate membership that is open to anyone living within the organization's service area, which may be as small as a single neighborhood or as large as an entire city, county, or region.
- A majority of the nonprofit's governing board is elected by this membership.
- The governing board has a balance of interests, divided among three voting blocks. Seats are allocated equally among directors who represent people living on the CLT's land (leaseholders), directors who represent residents of the CLT's service area who do not live on the CLT's land, and directors who represent the public interest.

#### OWNERSHIP

- There is a “preferential option for the poor.” Disadvantaged *people* who have been excluded from the economic and political mainstream and disadvantaged *places* that have been buffeted by successive waves of disinvestment and gentrification have the first claim on a CLT's resources.
- There is an organizational commitment to preserving the *permanent* affordability of housing (and other structures) that are located on the CLT's land or placed under the CLT's care.
- There is an organizational commitment to maintaining these structures in good repair and in safeguarding the success of low-income people who have been boosted into homeownership or into other types or tenures of housing through the CLT's efforts.

## APPENDIX 3

### Summary of the London CLT Affordability Mechanism

Source: London CLT (private correspondence – not publicly available)

#### Resale Formula

##### Step 1:

Determine the Area Median Income (AMI) for people in work in the borough in which the homes are being built. The standard marker for this calculation will be the Office of National Statistics annual publication of Annual Gross Pay for All Employee Jobs by Place of Residence by Local Authority. (The 2011 example of which is available here: <http://www.ons.gov.uk/ons/rel/ashe/annual-survey-of-hours-and-earnings/ashe-results-2011/2011-provisional-table-8.zip>)

##### Step 2:

Multiply the AMI according to the East London Community Land Trusts agreed formula determining the value of a home by size:

- 1 bed to be based on 1 full-time earner
- 2 bed to be based on 1½ full-time earners
- 3 bed to be based on 1¾ full-time earners
- 4 bed to be based on 2 full-time earner

##### Step 3:

Divide this number by 12, so as to establish a monthly gross pay average.

##### Step 4:

Divide this number by 3, so as to establish one-third of this monthly gross pay.

##### Step 5:

Subtract £150 per month, to include service charge, ground lease fees and other site-related costs prior to the affordability calculation (to be re-evaluated at the time of each sale).

##### Step 6:

Calculate, on this basis, the average mortgage available to such a homebuyer – working on the assumption of a 10% deposit, a 30 year mortgage that would pay off both the capital and lender's interest, and a 5.5% fixed interest rate.

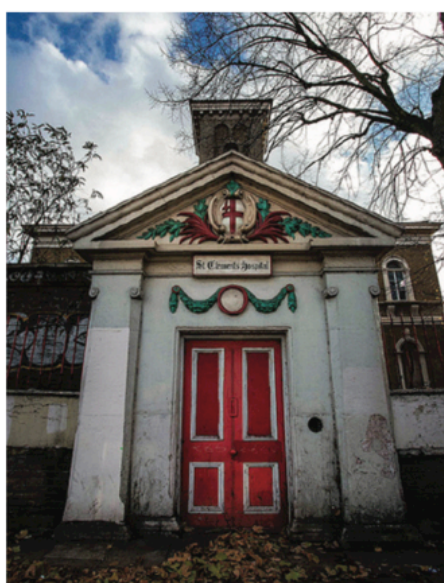


Photo of Grade II listed doorway that leads directly from the street up to what used to be the Board of Guardians Room.

##### Step 7:

So as to ensure permanent affordability, if a homeowner ever chooses to move then they are bound to reapply this same resale formula on the basis of local incomes in the year in which they are moving. This way the homes remain permanently affordable for every generation of home owner. The CLT will provide leaseholders with a statement each year to tell them how much they will get for their home, if they sell it that year.

This affordability criteria mechanism is widely used to great success across the United States – including at Community Land Trusts such as OPAL in Washington State and CCHC in Rhode Island – and is accepted by both buyers and lenders.

UNIT SIZE	Tower Hamlets Median Wage	Full-Time Earners	1/3 of that income per month	-£150 service charge & other fees	Mortgage available (with 10% deposit)
1 Bedroom	£29,912	x1	£830.89	£680.89pcm	£121,780
2 Bedroom	£29,912	x1.333	£1,107.85	£957.85pcm	£171,315
3 Bedroom	£29,912	x1.666	£1,384.81	£1,234.81pcm	£220,850
4 Bedroom	£29,912	x2	£1,661.78	£1,511.78pcm	£270,383

An example of the ELCLT 'Resale Formula' as would apply to CLT homes for sale in Tower Hamlets in 2011, based on ONS ASHE figures. <http://www.ons.gov.uk/ons/rel/ashe/annual-survey-of-hours-and-earnings/ashe-results-2011/2011-provisional-table-8.zip>

