

**ASSETS OF COMMUNITY VALUE AND LOCAL HERITAGE LIST
COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON
ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 17 AUGUST 2021 at
2.00 pm**

Present: Councillor C Day (Chair)
Councillors J Evans, R Freeman, P Lees and L Pepper

Officers in attendance: C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), J Hill (Planning Policy Officer) and E Smith (Solicitor).

ACV15 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence or declarations of interest.

ACV16 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 21 June 2021 were approved.

ACV17 NOMINATION OF HILL GREEN AS AN ASSET OF COMMUNITY VALUE

The Planning Policy Officer presented a report asking Members to consider the nomination of Hill Green as an Asset of Community Value (AoCV). She outlined the necessary criteria that needed to be established for an asset to be considered as an AoCV. The nomination had been made by Clavering Parish Council and was supported by Clavering Cricket Club.

Members sought some clarification around the leasehold tenancy, the current unidentified landlords and the ownership of the cricket pavilion. The Parish Council were encouraged to seek to identify the current landlords.

All Members expressed support for what was considered to be a valid nomination.

Councillor Lees proposed that the site be listed as an AoCV. This was seconded by Councillor Evans and the decision was unanimous.

RESOLVED that the site be listed as an Asset of Community Value.

Meeting closed at 2.14 pm.

DECISION NOTICE

The matter before the Committee today is a request, known as a nomination, that the entry upon Uttlesford District Council's list of Assets of Community Value (ACV), in respect of land situate and known as Hill Green, Clavering, be

renewed for a further five years. The nomination is made by Clavering Parish Council who have a leasehold interest in the land.

The Localism Act 2011 introduces a concept of an 'Asset of Community Value' (ACV). Section 87 of the Localism Act places a duty of Local Authorities to 'maintain a list of land in its area that is land of community value'.

An Asset is of community value if (in the opinion of the local authority) either:

- an actual current use of the building or other land, that is not an ancillary use, furthers the social wellbeing or social interests of the local community; and
- it is realistic to think that there can continue to be non-ancillary use of the building or other land, which will further (whether or not in the same way) the social wellbeing or social interests of the local community;

or

- there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or social interests of the local community; and
- it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

The Act states that "social interests" "includes (in particular) each of the following – (a) cultural interests, (b) recreational interests and (c) sporting interests.

Assets of Community Value are buildings or land which involve the physical use by the community and include for example a village shop, pub, community centre, allotment or recreation ground.

In arriving at our decision we are required to answer the following questions :

- a) whether there is a valid nomination;
- b) whether the use of the building (current or recent past) furthers the social wellbeing or social interests of the community;
- c) whether it is realistic to think that in the next 5 years the building could be used to further the social wellbeing or social interests of the community.

In considering these questions, we need to consider the principal, rather than ancillary, uses of the building. If we conclude, on the basis of proper evidence

since our decision today potentially impacts upon someone's ability to deal with land owned by them, that the answers to these questions are "yes", then the land should be included in the list of ACV's.

We have taken into account the provisions of the legislation, the Council's policy, and such case law as there is in the area. We also feel we should explain, for the record, what a successful nomination will achieve and what it will not. It is not a species of "listing lite". It gives no protection against development and it is not permanent – it lasts for five years only.

What it does do is give community groups, as defined in the legislation, a window of opportunity to make a bid for the asset should it come on the market for sale, and some sales – disposals – are exempt. It does not give the right to force a sale, any purchase by one of the prescribed groups must be at market value and the landowner can refuse to sell to the community group. He or she can also withdraw the premises from community use.

We have had the opportunity of reading a detailed officer's report in this case, a copy of which has been served on the Parish Council. It has not been possible to trace the current owner[s] of the freehold reversion and as time passes this particular issue is going to be of increasing importance. We have also heard from Ms Hill, the Case Officer, who spoke very eloquently to her report. She presented us with the application form and site plan completed by the Parish Council, setting out, among other things details of the groups and activities that take place on the site. Some of our number are familiar with the location. We have no reason to doubt that these activities do take place there and will continue to do so; we have been provided with fixture lists for the cricket club and have viewed letters and photographs of activities taking place there that have been uploaded to the Council's online Planning Portal under reference UTT/212181/ACV. We also believe that the Parish Council would be a definite purchaser of the freehold reversion, and because of the very nature of that interest, the earlier they can acquire it the more favourable the price.

There are a number of things we may not take into account in arriving at our decision. One of these is the impact our decision may have on the value of the property, and nor may we consider the question of what compensation, if any, might be payable in respect thereof. A registration as an ACV has no impact upon whether or not planning permission will be granted on an adjacent site; all it is, ultimately is a statutory pause in the sale process while a community group seeks to put together a bid – it is not a right to a compulsory purchase, & it must be at market value.

Having said all of this, our decision is that this application for a renewal is granted. However, we would like to sound some notes of caution. Firstly, we strongly recommend that the Parish Council makes serious and sustained efforts to trace the current freehold reversioner[s]. They may need to engage professional assistance. Their lease has 27 years to run but with every month that passes the value of that lease decreases and that of the freehold reversion increases.

Secondly, a more general point. The Council has revised its policies regarding the granting of ACV status in view of the true nature of the right, which is a right to bid rather than a listing that will prevent development. If the nominator already

has a legal interest in the land and therefore has control over it, then ACV registration gives no protection against development.

As leaseholder, Clavering Parish Council have de facto control of this land and are unlikely to assign their interest to another, hence it is most unlikely that it will cease to be in community usage; it is for this reason, therefore, that we urge them to use the period of this registration to make every possible effort to trace the current freehold reversioner of this land.