

**Committee:** Cabinet

**Date:** Tuesday, 19  
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**Title:** Assets of Community Value Update

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**Key decision:** No

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## Summary

1. The Localism Act 2011 introduced the concept of an 'Asset of Community Value'. 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'.
2. 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 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.
3. The Act states that "social interest" "includes (in particular) each of the following – (a) cultural interest, (b) recreation interest and (c) sporting interests.
4. 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.
5. The purpose of this report is to update members on recent decisions concerning the Listing of Assets of Community Value which were made under delegated powers following agreement from Cllr Sutton, Strategic Director of Planning and the Head of Legal.

## Recommendations

6. That Cabinet notes the following delegated decisions:

### Assets of Community Recommended for Listing

Appendix 1 to this report sets out the details for each of the nominations which officers recommended and are listed as an asset of community value. These are:

1. The Bluebell Inn, Hempstead
2. Little Hallingbury Mill, Little Hallingbury
3. The Cricketers Arm, Quendon & Rickling
4. Fleur De Lys, Widdington
5. Cross Keys Hotel, Saffron Walden
6. The Allotment Gardens, High Roding
7. Windmill Hill Allotments, Saffron Walden
8. Allotments Crocus Fields, Saffron Walden
9. Car Park Little Hallingbury
10. Fairycroft House, 37 Audley Road, Saffron Walden
11. Cricket Pavilion, Rickling Green
12. Grove Lawn Tennis Club, John Dane Player Court, Saffron Walden
13. Saffron Walden Golf Course, Windmill Hill, Saffron Walden

### Assets of Community Not Recommended for Listing

Appendix 2 lists those nominations which officers were not recommending for listing as assets of community value.

1. The Hop Poles Public House, Great Hallingbury
2. Jubilee Wood, High Easter
3. Saffron Hotel, Saffron Walden

## Financial Implications

7. There are direct financial implications arising at the stage which relate to the formal process of identifying and contacting asset owners and, if relevant, registering an asset as a Land Charge. These costs are met from existing budget and staff resources.
8. There is also an unquantifiable financial risk to the Council if there was a claim for compensation. This needs to be kept under review and at an appropriate time consideration should be given to establishing a contingency reserve to mitigate the risk to the Council's budget. However, the potential liability should not be considered in deciding whether or not this is an asset of community value.

## Background Papers

9. The submissions referred to by the author in the preparation of this report are available for inspection from the author of the report.
10. Submissions for consideration as Assets of Community Value and any representations are available on the website at <https://www.uttlesford.gov.uk/planning-applications>

## Impact

12.

Communication/Consultation	In line with paragraph 8 of The Assets of Community Value (England) Regulations 2012 the Council has taken all practicable steps to give information that it is considering listing the land to the owner of the land, freeholder and occupant.
Community Safety	No impact.
Equalities	The duty will affect all equally
Health and Safety	No impact
Human Rights/Legal Implications	Pursuant to s.19 Human Rights Act 1998 the Secretary of State has certified that in his opinion the Localism Act is compatible with the Convention.
Sustainability	No impact
Ward-specific impacts	No Impact
Workforce/Workplace	No impact

## Situation

13. S89 of the Act states that land in a local authority area which is of community value may be included in its list of assets of community value only in response to a “community nomination”, or where permitted by regulation made by the Secretary of State. A community nomination means a nomination by a parish council in respect of land in the parish council’s area or “by a person that is a voluntary or community body with a local connection”.

14. All the nominations have been made by Town or Parish Councils falling within the definition of a parish council for these purposes and the nominated properties are within their respective areas.

15. A nomination must also include:

- A description of the nominated land including its proposed boundaries.
- Any information the nominator has about the freeholders, leaseholders and current occupants of the site.
- The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.
- The nominator's eligibility to make the nomination.

16. All the nominations that were considered met these requirements and were it valid nominations under S89(2)(i).

**a. Does the use of the building (current or recent past) further the social wellbeing or interests of the community?**

17. Appendices 1 and 2 sets out the evidence submitted by each of the Town and Parish Councils in their nomination form of why the building or land furthers the social wellbeing or interests of the community.

**b. Is it realistic to think that in the next 5 years the use of the building could further the social wellbeing or interests of the community.**

18. In considering this question, the test is whether it is "realistic" to think that the use of the building could further the social wellbeing or interests of the community. It is not a balance of probabilities test – realistic means "more than fanciful". The use does not have to be the same as that which took place within the recent past.

## **Representations**

19. By way of an example, the Council received 30 representations in support of The Fleur De Lys Public House and 4 representations regarding the Saffron Hotel submissions. Numbers vary from case to case and all representations fully considered.

## **Conclusion**

20. All nominations submitted and considered by the Council were valid.

21. In 2023, 16 Nominations were received and under decided under Delegated Powers (in agreement with the Chair of Assets of Community Value and Heritage Listing Committee – Cllr Sutton, The Strategic Director of Planning

and Head of Legal/Monitoring Officer), 13 nominations were Listed and 3 were not listed.

22. Properties shown in Appendix 1 have been included in the Council's List of Assets of Community Value and Appendix 2 shows assets that have not been included.

## Risk Analysis

23.

Risk	Likelihood	Impact	Mitigating actions
The nominating body or the owner is challenges the decision reached.	2 Medium that one of the bodies will be unhappy with the decision.	3 The owner has rights of internal review and appeal and can claim for compensation.  The nominating body does not have rights of review or appeal. A new nomination can be made with additional information.  If it felt the Council had acted unlawfully, it could seek to challenge by way of judicial review.	Carefully scrutinise submissions for inclusion on the Asset List so as to ensure only those which comply with the criteria are included. Legal advice sought throughout.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1: NEW ASSETS OF COMMUNITY VALUE NOMINATED & LISTED

Appendix 2: ASSETS OF COMMUNITY VALUE NOMINATED NOT LISTED

## APPENDIX 1: NEW ASSETS OF COMMUNITY VALUE NOMINATED & LISTED

### RESTAURANTS/PUBS

1. UTT/23/0538/ACV: **The Bluebell Inn**, High Street Hempstead (Nomination Expires 18/04/2028)

The **public house**, though closed in early 2020, was nominated by Hempstead Parish Council for its importance and role in the recent past as a social venue in the village and submission of credible evidence that the community intends to purchase the property. It was considered to meet the statutory criteria for listing as an ACV in that there was a time in the recent past when its actual use, which was not an ancillary use, furthered the social wellbeing and interests of the local community. It is also realistic that there is a time in the next five years when there could be non-ancillary use that would further the social wellbeing and interests of the local community. As such, the Blue Bell Inn was designated under delegated powers on 18 April 2023.

2. UTT/23/0441/ACV: **Little Hallingbury Mill**. Mill Lane (Nomination Expires 18/04/2028)

The Little Hallingbury Mill **Restaurant** (then temporarily closed for refurbishment) was nominated by Little Hallingbury Parish Council for its restaurant use and as a venue hire. It was considered to meet the statutory criteria for listing as an ACV and furthers the social wellbeing or social interests of the local community. As such, the Little Hallingbury Mill Restaurant was designated under delegated powers on 18 April 2023.

3. UTT/23/0527/ACV: **The Cricketers Arms** Quendon & Rickling (Nomination Expires 18/04/2028)

The Cricketers Arms **public house** was nominated by Quendon & Rickling Parish Council for its non-ancillary use and as a venue for social gatherings for both Rickling Green/Quendon residents as well as residents of nearby villages and users of the nearby cricket facilities. It was considered to meet the statutory criteria for listing as an ACV and furthers the social wellbeing or social interests of the local community. As such, the Cricketers Arms public house was designated under delegated powers on 18 April 2023.

4. UTT/23/2537/ACV: **Fleur De Lys**, Widdington (Nomination Expires 28/11/2028)

The **public house** was nominated by Widdington Parish Council for its role as a venue for social gatherings, sporting events, fetes for both residents as well as residents of nearby villages and it is the only public house in the village. It was considered to meet the statutory criteria for listing as an ACV and furthers the social wellbeing or social interests of the local community. As such, the Fleur De Lys was designated under delegated powers on 28 November 2023.

5. UTT/23/2584/ACV: **Cross Keys Hotel**, 32 High Street Saffron Walden (Nomination Expires 14/12/2028)

The Cross Keys Hotel was nominated by Saffron Walden Town Council for its non-ancillary use as a public house, and restaurant and as a venue for socialising. It was considered to meet the statutory criteria for listing as an ACV and furthers the social wellbeing or social interests of the local community. As such, the Cross Keys Hotel was designated under delegated powers on 14 December 2023.

## **ALLOTMENTS**

**6. UTT/23/1183/ACV: The Allotment Gardens, High Roding, The Street (Nomination Expires 20/10/28)**

The allotment gardens were nominated by High Roding Parish Council for being in existence for the past 150 years and for offering the opportunity for recreational and social interaction between members of the local community. It was considered to meet the statutory criteria for listing as an ACV and furthers the social wellbeing or social interests of the local community. As such, the Allotment Gardens were designated under delegated powers on 20 October 2023.

**7. UTT/23/0477/ACV: Windmill Hill Allotments, Bridge End, Saffron Walden (Nomination Expires 18/04/2028)**

The Windmill Hill allotment gardens were nominated by Saffron Walden Town Council for the local community to grow fruit, vegetables and flowers and provide opportunities for social interaction between members of the local community from a variety of backgrounds. It was considered to meet the statutory criteria for listing as an ACV and furthers the social wellbeing or social interests of the local community. As such, the Windmill Hill Allotments were designated under delegated powers on 18/04/2023.

**8. UTT/23/0478/ACV Allotment Gardens, Crocus Fields (Nomination Expires 18/04/2028)**

The Allotment Gardens, Crocus Fields allotment gardens were nominated by Saffron Town Council for the local community to grow fruit, vegetables and flowers and provide opportunities for social interaction between members of the local community from a variety of backgrounds. It was considered to meet the statutory criteria for listing as an ACV and furthers the social wellbeing or social interests of the local community. As such, the Allotment Gardens at Crocus Fields were designated under delegated powers on 18/04/2023.

## **CAR PARKS**

**9. UTT/23/0439/ACV: Car Park Little Hallingbury (Nomination expires 18/04/2028)**

The Car Park, Little Hallingbury was nominated by Little Hallingbury Parish Council for its close geographic and functional relationship to the variety of communal facilities within the village as well as providing a convenient means of access, particularly for those of limited mobility, to this wide array of social activities. It was considered to meet the statutory criteria for listing as an ACV and furthers the social wellbeing or social interests of the local community. As such, the Car Park was designated under delegated powers on 18 April 2023.

## MEETING PLACES

**10. UTT/23/0482/ACV: Fairycroft House, 37 Audley Road, Saffron Walden, CB11 3HD (Nomination expires 18/04/2028)**

The Fairycroft House was nominated by Saffron Town Council for acting as a venue for several cultural events, with a focus on live music, theatre, and quiz nights, and is a flexible space which accommodates a service promoting health and wellbeing, including a dementia support group. It was considered to meet the statutory criteria for listing as an ACV and furthers the social wellbeing or social interests of the local community. As such, Fairycroft House was designated under delegated powers on 18 April 2023.

## RECREATIONAL / SPORTING

**11. UTT/23/0605/ACV: Cricket Pavilion, Rickling Green (Nomination Expires 18/04/28)**

The Rickling Cricket Pavilion was nominated by Quendon & Rickling Parish Council for its provision of a meeting/changing area for sporting and recreational facilities. It was considered to meet the statutory criteria for listing as an ACV and furthers the social wellbeing or social interests of the local community. As such, the Rickling Cricket Pavilion was designated under delegated powers on 18 April 2023.

**12. UTT/23/0486/ACV: Grove Lawn Tennis Club, John Dane Player Court, Saffron Walden (Nomination Expires 18/04/28)**

The Grove Lawn Tennis Club was nominated by Saffron Walden Town Council for its sporting and recreational facilities to the local community. It was considered to meet the statutory criteria for listing as an ACV and furthers the social wellbeing or social interests of the local community. As such, the Grove Lawn Tennis Club was designated under delegated powers on 18 April 2023.

**13. UTT/23/0483/ACV: Saffron Walden Golf Course Windmill Hill (Nomination Expires 18/04 28)**

The Saffron Walden Golf Course was nominated by Saffron Walden Town Council for its associated courses which facilitate sporting and recreational interests both to members as well as the public. It was considered to meet the statutory criteria for listing as an ACV and



further the social wellbeing or social interests of the local community. As such, the Saffron Walden Golf Course was designated under delegated powers on 18 April 2023.

## APPENDIX 2: ASSETS OF COMMUNITY VALUE NOMINATED NOT LISTED

### RESTAURANTS/PUBS

**1. UTT/23/0535/ACV: The Hop Poles Public House, Great Hallingbury**

The nomination was submitted by Great Hallingbury Parish Council.

The Hop Poles Public House has been closed and not been in use for approximately 9 years. No evidence has been provided in the Nomination application to demonstrate that there was a time in the recent past in which the Hop Poles Public House has furthered the social wellbeing or social interests of the local community.

**2. UTT/23/2586/ACV: **Saffron Walden Hotel**, Saffron Walden**

Based on the information provided by Saffron Walden Town Council the motivation for nominating the hotel as an Asset of Community Value is to protect the hotel use in its town centre location. This reason is not sufficient to cause the building to qualify for listing as an ACV.

Saffron Walden Hotel is the principal use, and the bar/restaurant are ancillary uses. The nomination meets the statutory exemption test set out in Section 88 Schedule 1 paragraph 2(b)(iii) Localism Act 2012 whereby a hotel is exempt from listing.

### RECREATIONAL / SPORTING

**3. UTT/22/3389/ACV: **Jubilee Wood, High Easter Parish Council****

The nomination is refused for the following reasons:

- i. No information or data was submitted to evidence the Local Community who use the land.
- ii. There is insufficient evidence in the nomination regarding how current and future use of the land furthers and will further the 'social wellbeing or social interests of the local community.
- iii. The Council requires nominations for ACV to provide robust supporting information that would evidence usage by the local community that furthers social wellbeing or interests.