

North Yorkshire Council

5 December 2023

Assessment of Assets of Community Value Nomination NYCACV0031 Hetton Methodist Church Report to the Assistant Chief Executive for Localities

1.0 PURPOSE OF REPORT

- 1.1 To determine whether Hetton Methodist Church, Hetton (NYCACV0031) should be placed on the Council's List of Assets of Community Value (ACVs).

2.0 SUMMARY

- 2.1 This nomination covers Hetton Methodist Church, Hetton which was nominated by Hetton cum Bordley Parish Meeting on 17 October 2023. The recommendation is that the site should be listed as Asset of Community Value.

3.0 BACKGROUND

- 3.1 [The Localism Act 2011](#) requires the Council to consider all valid nominations for properties and/or land to be placed on the List of Assets of Community Value. This is also known as the 'community right to bid'. Land or property considered of community value can be nominated by a voluntary or community body that complies with [regulation 5](#)

When a listed asset comes up for sale a community interest group can trigger a delay (moratorium) in any sale process. The purpose is to create a "window of opportunity" to secure funding and bid for the property on the open market. The owner is not obliged to accept a bid from a community interest group and can sell to whomever they choose

The Assets of Community Value (England) Regulations 2012 provide a mechanism for the owner of land listed as an ACV to request an internal review and also appeal to the first-tier tribunal against the listing. Although first-tier tribunal decisions are not binding precedents any appeal decisions provide judicial guidance to the operation of the legislation. The guidance provided by these decisions is becoming increasingly useful to local authorities in the assessment of Assets of Community Value nominations.

Private owners may claim compensation from the Council for loss and expenses incurred through their property being listed. More details are provided in the 2012 Regulations

This report ensures that the Council considers the nomination for Hetton Methodist Church, Hetton as required by the Act.

4.0 CONSIDERATION OF THE NOMINATION

- **Description of asset**

This nomination covers Hetton Methodist Church, located on the Main Street in Hetton, the site consists of two large meeting rooms, a kitchen and toilets.

It is currently owned by the Methodist Church but they are in the process of selling the site as it has not been used as a site of worship since July 2021.

- **Nomination**

On 9 October 2023 an extraordinary meeting of Hetton Parish Meeting was held to consider whether the site should be recognised as an asset of community value with the intention of repurposing the premises for the benefit of the local community.

A resolution was proposed approving this course of action and was passed by a substantial majority.

Hetton cum Bordley Parish Meeting are currently in the process of developing funding applications and feasibility studies for the repurposing of the site however these documents are currently works in progress so were not available for inclusion with this report.

In their submitted nomination for the site, Hetton cum Bordley Parish Meeting state that the site has served the community since 1859.

The building was closed for worship in July 2021, prior to its closure it was used extensively for local events including concerts, coffee mornings, luncheon, meetings, a youth club and private hire.

Whilst the church is no longer used for worship it is still regularly used by a weekly toddler group, as a site for a local photography business and for concerts and wellness days.

It also serves a civic function being used as a polling station in local and general elections and for the local Parish Meetings.

- **Comments received**

In accordance with the local nomination guidelines the local ward councillor, Cllr Richard Foster, Wharfedale division and the relevant Spatial Planning Team (in this case YDNPA) were consulted regarding the assessment of the nominated site.

Cllr Foster commented that there are no other community assets in the village and that it would therefore be beneficial to the community that it be used as a community asset.

The Spatial Planning team's response concluded that in their opinion the site met the definition of an asset of community value and that their planning policies would support the continued community use of the venue over non community use.

- **Assessment against Section 88 of the Localism Act 2011**

When we assess whether a particular building or piece of land is of community value, we must determine whether it meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011.

A building or piece of land is deemed to be of community value if:

a) The current main use of the building or land furthers the social interests or social wellbeing of the local community or a use in the recent past has done so and, it is realistic to think that there can continue to be a main use of the building or land which will further the social interests or social well-being of the local community, whether or not in the same way as before.

b) The main use of the land or building in the recent past furthered the social interests of the local community and, it is realistic within five years the land or building can be brought back into a use that furthers the social interest or wellbeing of the local community, whether or not in the same way as before.

The interpretation of the definition of a community asset creates a very wide range of possible assets to be considered as suitable for nomination. It is proposed to use the following categories as part of the nomination process

- Education, health and well-being and community safety to include, nurseries, schools, children's centres, health centres, day care centres or care homes, community centres, youth centres or public toilets.
- Sport, recreation and culture to include, parks and public open spaces, sports and leisure centres, libraries, swimming pools and theatres
- Economic use providing an important local social benefit which would no longer be available if that use stopped - to include village shops and pubs.

- **Evidence**

Hetton cum Bordley Parish Meeting have provided examples of the buildings current and historic use as a community asset providing opportunities for wellbeing, recreation, educational economic and social benefits all of which evidence the community value of the site in line with the definition set out in Section 88 of the Localism Act 2011.

The local community are strongly supportive of the Hetton Methodist Chapel being repurposed as a community facility and are currently in the process of developing plans to progress this proposal.

Cllr Foster feels that the site is the only community asset in the village and that it would be beneficial for it to be a community owned facility.

The YDNPA Spatial Planning Team are of the informal opinion that the site meets the test of being a community asset.

The also state that Policy C9 of the Local Plan relates to existing community facilities and states that 'development that would result in the loss of, or have an unacceptable adverse effect on, an existing community facility will not be permitted unless it can be demonstrated that:

- a) the current use is no longer needed or a suitably located replacement facility of at least equivalent standard has been secured; and,
- b) the land or building could not fulfil, or is not needed for, an alternative community use.'

YDNPA advise that any proposal for a non-community use of the building would need to be supported by appropriate and proportionate independent evidence, including any need for the former use of the building as a chapel or if there is any alternative community use that the building could be used for.

They have already advised potential purchasers to address this issue and to discuss the matter with the Parish Council and the wider local community to obtain their views on any potential issues or opportunities for a continued community use.

- **Conclusion**

Having reviewed the evidence provided by Hetton cum Bordley Parish Meeting and considered the assessment of the local Councillor and YDNPA Spatial Planning Team I recommend Hetton Methodist Church, Hetton should be listed as Assets of Community Value as the site meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011.

5.0 CONSULTATION UNDERTAKEN AND RESPONSES

Local Councillor – Cllr Richard Foster, Wharfedale division

Hetton cum Bordley doesn't have a community facility as such with no village hall, church or reading room so this is the only community asset they possess and as such it would make sense for the community to take it on.

Spatial Planning Team – YDNPA

YDNPA is the Planning Authority for Hetton and provided the following response

Obviously, the judgement on whether to list the chapel at an ACV ultimately lies with NYC. We've had limited dealings with ACV applications in the past, so we're not as familiar with the legislation and its interpretation as your Officers will be. What follows is therefore just my informal view.

There seems little doubt that the first test and furthered the social wellbeing/interests of the community – that would have been true of the chapel but also its additional functions as set out in the application.

As for the second test, I'm not sure what sort of threshold is applied to the term 'realistic to think' – the proposal to repurpose as a community hub is clearly speculative at present and in the feasibility stage and entirely contingent on the current owner being willing to sell to the community. That said, current planning policies would seek to protect community uses which would aid any potential repurposing as a community hub.

Policy C9 of the Local Plan relates to existing community facilities and states that 'development that would result in the loss of, or have an unacceptable adverse effect on, an existing community facility will not be permitted unless it can be demonstrated that:

- a) the current use is no longer needed or a suitably located replacement facility of at least equivalent standard has been secured; and,
- b) the land or building could not fulfil, or is not needed for, an alternative community use.'

The aim of the policy is to protect community facilities that are considered to be vital in maintaining the fabric of remote rural communities within the National Park.

Any proposal for a non-community use of the building would need to be supported by appropriate and proportionate independent evidence, including any need for the former use of the building as a chapel or if there is any alternative community use that the building could be used for. This could include appropriate financial/business planning options appraisals, marketing and community engagement evidence. We have already advised potential purchasers to address this issue and to discuss the matter with the Parish Council and the wider local community to obtain their views on any potential issues or opportunities for a continued community use.

While the current owner may be compelled to obtain maximum value from the sale, which would probably mean selling at a value reflecting residential conversion potential, this would not override planning policy and any purchaser planning to convert the building to a residential use would still need to make a reasoned case why the chapel could not be repurposed.

I imagine many community buy-outs start life fairly speculatively – that goes to the heart of ACV legislation designed to 'buy time' for a credible bid to be made.

The building is clearly capable of being a community hub, given refurbishments that have taken place and the fact it has served as a kind of proxy village hall in the past and continues to be used to some degree since the cessation of use for worship.

I think therefore that these factors, taken together, provide sufficient degree of realism to allow the second test to be met.

7.0 ALTERNATIVE OPTIONS CONSIDERED

- 7.1 None. Not to consider the nomination Hetton Methodist Church, Hetton would not fulfil the Council's responsibilities required by the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012.

8.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 8.1 If successful the fact that land/property is listed as an Asset of community Value may be taken into account as a material consideration for any future planning application.

9.0 FINANCIAL IMPLICATIONS

- 9.1 If the decision is to list the property the owner can make a claim for compensation for which the Council is liable.

10.0 LEGAL IMPLICATIONS

- 10.1 If the property/land is listed the council is required to apply to the Land Registry for entry of a restriction on the Land Register. This restriction will be in a form of wording in Schedule 4 to the Rules, as Form QQ. This is "No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011". An owner of previously unregistered listed land, who applies to the Land Registry for first registration (or a mortgagee who applies for first registration on behalf of the owner), is required at the same time to apply for a restriction against their own title. The local authority is also required to apply to the Land Registry for cancellation of the restriction when it removes an asset from its list.
- 10.2 If the property/land is listed and the owner/leaseholder wishes to dispose of it, he must notify the council. Once this has taken place an interim moratorium period (6 weeks) will apply where disposal of the property may not take place (except if sold to a community interest group which can take place at any time). If, before the end of the interim moratorium period the council receives a written request from a community interest group to be treated as a potential bidder then a full moratorium period applies. Disposal may then not take place within 6 months from the date the Council receives notification from the owner (except if sold to a community interest group).
- 10.3 When a listed asset is disposed of, and a new owner applies to the Land Registry to register change of ownership of a listed asset, they will therefore need to provide the Land Registry with a certificate from a conveyancer that the disposal (and any previous disposals if this is the first registration) did not contravene section 95(1) of the Localism Act (the moratorium requirements).

11.0 EQUALITIES IMPLICATIONS

There are no equalities implications for this site.

12.0 CONCLUSIONS

- If unsuccessful all parties will be advised of the outcome of the decision, and the Council's reasoning for it. The nominating group will be advised that there is no provision within The Regulations (The Asset of Community Value (England) Regulations 2012) for them to seek a review of the Council's decision.

13.0 REASONS FOR RECOMMENDATIONS

13.1 The evidence demonstrates that the nomination for the Hetton Methodist Church, Hetton meets the definition of community value as detailed in the Localism Act 2011.

15.0 RECOMMENDATION(S)

It is recommended that the Assistant Chief Executive for Localities:

- (i) Determines that the nomination for Hetton Methodist Church, Hetton is successful and meets the definition of community value as detailed in the Localism Act 2011
- (ii) It should be placed on the North Yorkshire Council Assets of Community Value List of Successful Nominations

APPENDICES:

Appendix A – Nomination Form for NYCACV0031 Hetton Methodist Church
Appendix B – Site Plan NYCACV0031 Hetton Methodist Church

BACKGROUND DOCUMENTS:

Localism Act 2011
The Assets of Community Value Regulations (England) 2012

Assistant Chief Executive for Localities
County Hall Northallerton
01/12/2023

Report Author – Kate Senior Partnerships Officer
Presenter of Report – Kate Senior Partnerships Officer

Appendix A – Nomination Form NYCACV0031 Hetton Methodist Church

Your relationship to the nominating organisation	Chairman of Hetton cum Bordley Parish Meeting
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SECTION 2 – ABOUT THE ORGANISATION MAKING THE NOMINATION

Please tick any that apply)

Unincorporated body (see next section)	
Neighbourhood forum	
Parish Council	x
Charity	
Community Interest Company	
Company limited by guarantee	
Industrial and provident society	

<p>Number of members registered to vote locally (unincorporated bodies only) In the case of an unincorporated body, at least 21 of its members must be registered to vote locally. <i>Please use CAMRA's <u>Unincorporated Body Nomination Form</u> to demonstrate support from local people.</i></p>	
<p>We are enclosing evidence that at least 21 locally registered voters support the registration of this pub as an asset of community value <i>(please tick box)</i></p>	<p>x</p>

SECTION 3 – MORE ABOUT YOUR ORGANISATION AND DEMONSTRATION OF LOCAL CONNECTION

<p>Please explain a bit more about the organisation <i>(such as how and why it was formed – perhaps that was purely to list this pub which is fine).</i></p> <p>Please also demonstrate that your organisation has a local connection <i>(i.e. that everybody concerned lives locally)</i></p>	<p>Hetton cum Bordley parish meeting is the representative body for the residents and registered Electors of the villages of Hetton and Bordley. An extraordinary meeting was called on Monday, 9 October 2023 to consider whether or not the land and premises owned by the former Methodist Church which closed for worship in July 2021 should be recognised as an asset of community value with a view to Re-purposing the premises for the benefit of the local community.</p> <p>A resolution to that effect was passed by a very substantial majority.</p>
<p>If the Group is constituted, its surplus must be wholly or partly applied for the benefit of the Borough's area or a neighbouring authority's area. Please provide evidence of this if you can.</p>	<p>The purpose of the parish meeting is to serve the local community any funds held are in trust for the benefit of the community.</p>
<p>If the Group is constituted, please provide evidence here.</p>	<p>Recognised by North Yorkshire Council (See attached)</p>

SECTION 4: ABOUT THE ASSET YOU WANT TO LIST

Name of asset	Hetton Methodist Church
Address and postcode of the asset	Main Street Hetton BD23 6LT
Description of what exactly should be listed <i>(try to be specific about the boundaries of the land you're nominating, the approximate size and position of any buildings on the land and remember to include anything in addition to the building itself which you believe should be listed such as the car park, beer garden or any integral residential quarters such as accommodation above the pub)</i>	See photographs and plan including sales particulars attached.
Land registry title number	NYK377322
Link to any photos or building plans of the property <i>(if you're attaching these to the application please confirm that here)</i>	Attached.
Any information you have about the freeholders, leaseholders and current occupants of the site <i>(if known)</i>	The premises are owned by the trustees for Methodist Church purposes central buildings, Oldham Street, Manchester M11JQ, the best point of contact is the circuit administrator Mr Edwin Tate, Skipton and Grassington Methodist circuit, St Andrews Church, Newmarket Street, Skipton, North Yorkshire.

<p>Reasons for nomination: why do you believe the asset is of community value <i>(including all relevant information from CAMRA's <u>"Why Councils should list pubs as assets of community value"</u> document, in particular:</i></p> <ul style="list-style-type: none"> • <i>Evidence that the pub can remain viable</i> • <i>Evidence of interest in keeping the pub open</i> • <i>Evidence that the asset furthers the social wellbeing or social interests of the local community, or has done so in the recent past)</i> 	<p>Hetton Methodist Church has been in existence since 1859 and served the local community until it sadly closed in July 2021. The premises are now on the market for sale, the premises themselves were substantially refurbished and modernised in 2001 and have been used extensively over time for local events including concerts, coffee mornings, luncheons, various meetings, away days for other organisations, food station for long distance charity walks and in the past, a youth club.</p> <p>They are currently used weekly by the local Toddler Group and a local person operates a professional photography business, both under occupational licences granted by the Trustees. The premises are also used for local and general elections as a polling station as well as Parish Meetings.</p> <p>It is the view of the local community that these premises would be better served and used for the benefit of the local community going forward as a community hub. A feasibility study is being undertaken but there are a number of interested and willing individuals with ideas for regular use of the premises. An application is in process for funding to the levelling up fund and other sources of funding are being explored.</p> <p>The premises are for sale on the open market it is likely that any purchaser will want to convert to some form of residential use, possibly as a sole dwelling, but other uses could be holiday let, or second home, all of these would deprive the community of access to these premises. It is recognised that the trustees are under a duty to obtain the best open market price and is understood that a sale of the land and premises has been agreed, subject to contract, on 16th October 2023. If community benefit is to have any prospect of being achieved, this application will need to be registered prior to any exchange of contracts.</p>
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