

North Yorkshire Council

25 January 2024

Assessment of Assets of Community Value Nomination NYCACV0029

Report of

1.0 PURPOSE OF REPORT

- 1.1 To determine whether Staxton Playing Fields, Church Walk, Staxton, YO12 4SE, should be placed on the Council's List of Assets of Community Value (ACVs)

2.0 SUMMARY

- 2.1 This nomination is made by the Willerby and Staxton Parish Council. The recommendation is that the site should be listed as an Asset of Community Value due to its facilitating role in furthering the social wellbeing and social interests of the local community.

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 Staxton Playing Fields, as required by the Act.

4.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

- 4.1 Staxton Playing Fields is an area of green space located at the north and west of the village of Staxton, accessed via Church Walk and Willerby Carr Lane. The premises comprises a field as well as a club house and a play area.

- 4.2 The premises has historically been used for sports and recreation and continues to be, most recently by the local cricket club. The field was previously available for football, however its goal posts were removed within the last two years.
- 4.3. The removal of goal posts was due to a decision taken by the current owners to enable part of the site to become available to another organisation for works storage. Incidentally, these works would constitute a breach of planning control and the nominating party have been advised to contact the Council's planning enforcement team to outline what has occurred on site.
- 4.4 Regardless of any planning enforcement issues and any lawful or unlawful broadening of the site's use, access to the cricket pitch, club house and play area has remained available.
- 4.5 The nomination was made by Willerby and Staxton Parish Council, whose aspirations are to safeguard the use of the site for sports and recreation in perpetuity.

4.6 **Assessment**

Localism Act 2011 Section 88 if current use:

- (a) 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,

- Evidence
 - Little evidence has been provided by the nominating party, other than to state that the playing fields have been in continuous use as a sports and recreation facility, despite broadening its use to allow for works storage.
 - In planning terms, the site is formally designated as a Playing Field by virtue of SP11 of the Ryedale Plan: Local Plan Strategy (2013)
- Conclusion
 - The premises provides a space for sports and recreation and therefore furthers the social wellbeing and social interests of the local community
 - The recommendation is that the land should be listed as an Asset of Community Value.

and;

- (b) 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.

- Evidence
 - The site's use as a playing field is safeguarded by virtue of planning policy and it is unlikely that there would be any justification for a permanent change of use
 - The nominating party has demonstrated that the reason for their nomination is to ensure that, given the opportunity, they could further safeguard the site's use
- Conclusion
 - It is realistic to think that the site's current use can continue.

5.0 **CONSULTATION UNDERTAKEN AND RESPONSES**

- Local Councillor

Cllr Donohue-Moncrieff was consulted on this nomination on 22 December 2023 and a further one also located within the village of Staxton, and made the following comments:

I am aware of the nominations for ACV designations. I believe the reasons are valid given recent experiences with the operators of both sites.

- Owners

The owners of the site, Staxton Playing Field Association, were consulted on this nomination on 22 December 2023 and expressed only that they had no intention of selling the site.

7.0 ALTERNATIVE OPTIONS CONSIDERED

7.1 N/A.

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

- N/A

12.0 CLIMATE CHANGE IMPLICATIONS

The Playing Field is the only facility in Staxton and Willerby (population 751, Census 2021) which provides a publicly-available sports pitch. Were the facility to become unavailable, there would be a climate change implication with regards to people having to travel to the nearest equivalent facility.

15.0 RISK MANAGEMENT IMPLICATIONS

- N/A

18.0 COMMUNITY SAFETY IMPLICATIONS

- The Playing Field provides a facility for healthy activity.

19.0 CONCLUSIONS

- The recommendation is that the site should be listed as an Asset of Community Value.

20.0 REASONS FOR RECOMMENDATIONS

20.1 The evidence demonstrates that the nomination for Staxton Playing Fields meets the definition of community value as detailed in the Localism Act 2011.

21.0 RECOMMENDATION(S)

It is recommended that the Assistant Chief Executive for Localities:

- (i) Determines that the nomination for Staxton Playing Fields, Church Walk, Staxton, YO12 4SE 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:

None

BACKGROUND DOCUMENTS:

Combined nomination materials (PDF)

Assistant Chief Executive for Localities
County Hall
Northallerton
(Insert date)

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Presenter of Report – Matthew Lishman

PLEASE ALSO NOTE THAT IF ANY REPORTS / APPENDICES INCLUDE SIGNATURES THESE MUST BE REMOVED / DELETED PRIOR TO SENDING REPORTS / APPENDICES TO

DEMOCRATIC SERVICES. Appendices should include an Equality Impact Assessment and a Climate Impact Assessment where appropriate