

North Yorkshire Council

30 January 2024

Assessment of Assets of Community Value Nomination NYCACV0034 The Fountaine Inn Site in Linton Report to the Head of localities

1.0 PURPOSE OF REPORT

- 1.1 To determine whether The Fountaine Inn Site in Linton (NYCACV0034) should be placed on the Council's List of Assets of Community Value (ACVs).

2.0 SUMMARY

- 2.1 This nomination covers The Fountaine Inn Site in Linton which was nominated by Linton Parish Council on 7 December 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 The Fountaine Inn Site in Linton as required by the Act.

4.0 CONSIDERATION OF THE NOMINATION

- **Description of Asset**

This nomination covers The Fountaine Inn Site in Linton near Grassington. The site is owned by Fredric Robinson Limited based in Cheshire. It is the only public house in the village and is located next to Linton Village Green.

- **Nomination**

In their submitted nomination for the site Linton Parish Council state that The Fountaine Inn has been the focal point of the village community for many years and offers a central and convenient location for local villagers to meet and build community spirit.

Its close proximity to the village green, which is owned by the Parish Council, means that it is often a partner in village events.

The Parish Council and Fountaine Inn have a good working relationship when organising community activities and The Fountaine Inn recognises the benefit of its proximity to the Village Green and contributes financially towards the cost of grass cutting on the green.

The pub is used as a meeting venue for many local groups including, cricket, rounders and rugby teams, and also as a venue for fundraising events for local groups such as Threshfield School PTA.

The pub holds regular social events which help to bring the community together.

The pub provides economic benefits to the village both by being a strong local employer, especially for younger people who cannot drive to employment elsewhere and also by sourcing supplies from the local area.

- **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 he supported the sites designation as an asset of community interest not only from an economic perspective as the only pub in the village but also the wider community benefit it brings as a social hub.

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 seek to protect against any change of use that would lead to the loss of a community facility.

- **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**

Linton Parish Council state that The Fountaine Inn is the focal point of the village community, offers a central and convenient location for local villagers to meet and build community spirit and provides economic benefit to the local area.

Cllr Foster commented that he supported the sites designation as an asset of community interest not only from an economic perspective as the only pub in the village but also the wider community benefit it brings as a social hub.

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 seek to protect against any change of use that would lead to the loss of a community facility.

- **Conclusion**

Having reviewed the evidence provided by Linton Parish Council and considered the assessment of the local Councillor and Spatial Planning Team I recommend that The Fountaine Inn Site in Linton 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**

I am happy to support its inclusion as an asset of community interest not only from an economic perspective as the only pub in the village but also the wider community benefit it brings as a social hub.

Linton Parish is made up of 2 quite separate areas Linton Village itself and Linton Falls and the Fountaine acts as the focus for both parts.

Its inclusion on the register will give the residents the opportunity to keep it as it is.

- **YDNPA Spatial Planning Team**

There seems little doubt that The Fountaine would satisfy both statutory tests in that its current use furthers the social wellbeing/interests of the local community (given its importance as a social hub for the community, as set out in detail by Linton PC) and it is realistic to think that this will continue (given that the business is a going concern and still actively used by the community).

From a planning point of view, as with the recent case at Hetton Chapel, Policy C9 of the Yorkshire Dales Local Plan would seek to protect against any change of use that would lead to the loss of a community facility.

Planning permission would be required for any change of use given that public houses belong to the 'sui generis' use class.

Any such application would be determined in light of Policy C9 and any other relevant policies in the Local Plan.

7.0 ALTERNATIVE OPTIONS CONSIDERED

7.1 None. Not to consider the nomination for The Fountaine Inn Site in Linton 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

NA

12.0 RISK MANAGEMENT IMPLICATIONS

NA

13.0 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.

14.0 REASONS FOR RECOMMENDATIONS

14.1 The evidence demonstrates that the nomination for The Fountaine Inn Site in Linton 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 The Fountaine Inn Site in Linton 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 B – Site Plan for NYCACV0034 The Fountaine Inn Site in Linton

BACKGROUND DOCUMENTS:

Localism Act 2011

The Assets of Community Value Regulations (England) 2012

Assistant Chief Executive for Localities
County Hall
Northallerton

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

**Appendix B – Site Plan for NYCACV0034
The Fountaine Inn Site in Linton**

HM Land Registry
Official copy of
title plan

Title number **NYK377543**
Ordnance Survey map reference **SD9962NE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **North Yorkshire**



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