

# North Yorkshire Council

27 March 2024

## Assessment of Assets of Community Value Nomination NYCACV0039 Long Preston Post Office and Village Stores Report to the Assistant Chief Executive for Localities

### 1.0 PURPOSE OF REPORT

- 1.1 To determine whether Long Preston Post Office and Village Stores (NYCACV0039) should be placed on the Council's List of Assets of Community Value (ACVs).

### 2.0 SUMMARY

- 2.1 This nomination covers Long Preston Post Office and Village Stores which was nominated, (along with The Maypole Inn) by Long Preston Parish Council on 12 February 2024. This report deals with the Long Preston Post Office and Village Stores site and the recommendation is that it 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 Long Preston Post Office and Village Stores as required by the Act.

## 4.0 CONSIDERATION OF THE NOMINATION

- **Description of Asset**

This nomination covers Long Preston Post Office and Village Stores located on Green Bank Road, Long Preston. The site is owned and run by Mr & Mrs Thompson and is the only remaining shop in the village.

- **Nomination**

The Long Preston Post Office and Village Store site was previously listed as an asset of community value in 2017 following nomination by Long Preston Parish Council. That listing has now lapsed and Long Preston Parish Council submitted a new nomination on 12 February 2024.

Long Preston Parish Council state that the post office is an essential resource for the village.

It has a fully stocked shop which is invaluable for all village residents and patronised by the entire village.

It is particularly useful for those elderly residents who do not have either transport or the internet to do their shopping, and also provides access to post office services including cash transactions.

It provides a dry cleaning service; sells produce by local people and even dispenses prescriptions.

It is involved with various village organisations and collects money on behalf of various charities and sells tickets on behalf of the Playing Field Association fundraising events.

It is in the best interest of the village that it remains open.

Both the Post Office and Maypole Inn enable local people to meet and socialise in a welcoming environment which, individually, they find rewarding and enjoyable.

Such interaction is also in the interests of the locality as a whole as it encourages community cohesion and a collective sense of wellbeing.

Should any one of the two disappear, without the village community having a chance to save it, this would be a seriously damaging event to this rural community.

- **Comments Received**

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

Cllr Myers commented that he supported the sites designation as an asset of community value as the Post Office is an important Social hub for the Village and combines the important role of Post Office with that of Village Shop (the only remaining shop in the Village).

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**

Long Preston Parish Council state that the Post Office and Village Stores provides an essential resource for the village providing vital services to the community especially older residents.

Cllr Myers commented that he supported the sites designation as an asset of community value as it provides social and economic benefit to the village.

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 Long Preston Parish Council and considered the assessment of the local Councillor and Spatial Planning Team I recommend that Long Preston Post Office and Village Stores 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 Simon Myers, Mid Craven division**

The Post Office is an important Social hub for the Village and combines the important role of Post Office with that of Village Shop (the only remaining shop in the Village).

It showcases local products and has an important role in helping to promote local producers.

- **YDNPA Spatial Planning Team (covering both The Maypole Inn and Long Preston Post Office)**

There seems little doubt that both The Maypole and Post Office would satisfy both statutory tests in that their current uses further the social wellbeing/interests of the local community (as set out in detail by Long Preston Parish Council) and it is realistic to think that this will continue (given that the businesses are going concerns and still actively used by the community).

From a planning point of view, 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.

Public houses belong to the 'sui generis' use class and small shops belong to the F2 use class, meaning that planning permission is likely to be required for any

change of use. 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 Long Preston Post Office 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 Long Preston Post Office and Village Stores 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 Long Preston Post Office and Village Stores 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 NYCACV0039 Long Preston Post Office and Village Store

Appendix B – Site Plan for NYCACV0039 Long Preston Post Office and Village Store

## **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 A – Nomination Form for NYCACV0039  
Long Preston Post Office and Village Stores**



**Community Right to Bid: Assets of Community Value  
Nomination Form**

(Office use only) ACV Ref: \_\_\_\_\_

**Section 1: About your organisation**

**1A. Contact Details**

Please provide basic contact details for your organisation

<b>Name of the organisation</b>	Long Preston Parish Council
<b>Organisation postal address</b>	4, Penny Green, Settle, North Yorkshire, BD24 9BT
<b>Organisation website</b>	<a href="http://www.longprestonparishcouncil.co.uk">www.longprestonparishcouncil.co.uk</a>
<b>Named contact for the organisation</b>	
<b>Position of named contact within the organisation</b>	Clerk & RFO
<b>Telephone number for named contact</b>	
<b>Email address for named contact</b>	<a href="mailto:longprestonpcclerk@gmail.com">longprestonpcclerk@gmail.com</a>

## 1B. Organisation type

Please place an 'X' in the middle column against the appropriate organisation type

Organisation Type		Registration number of charity/company (if applicable)
<p><b>Parish Councils</b></p> <p>This may be for an asset in its own area, or in the neighbouring Parish Council area</p>	X	
<p><b>Neighbouring Parish Councils</b></p> <p>If the Parish Council borders an un-parished area, then they may nominate an asset within the neighbouring District Council or Unitary Council.</p>		
<p><b>Un-incorporated groups</b></p> <p>Nominations can be accepted from any un-incorporated group with membership of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority. This will for instance enable nomination by a local group formed to try to save an asset, but which has not yet reached the stage of acquiring a formal charitable or corporate structure.</p> <p><b>Please complete additional form in Appendix 1 if this applies to you.</b></p>		
<p><b>Neighbourhood Forums</b></p> <p>There can only be one neighbourhood forum for an area and the way they are set up is clearly defined by the Council as a planning authority. The procedure for becoming a neighbourhood forum is set out in Section 61F of the Town and Country Planning Act 1990.</p> <p><b>Please complete additional form in Appendix 1 if this applies to you.</b></p>		
<p><b>Community interest groups with a local connection</b></p> <p>These must have one or more of the following structures:</p> <ul style="list-style-type: none"> <li>• A charity</li> <li>• A community interest company</li> <li>• A company limited by guarantee that is non-profit distributing</li> <li>• An Industrial and Provident Society that is non-profit distributing/Community Benefit Society</li> </ul>		



<b>Organisation Type</b>		<b>Registration number of charity/company (if applicable)</b>
<b>Please complete additional form in Appendix 1 if this applies to you.</b>		

### 1C. Local connection

Additionally, your organisation is required to have a local connection. This means that its activities are wholly or partly concerned with the administrative area of North Yorkshire or a neighbouring local authority. Please provide details about your organisation's local connection.

<b>Details regarding local connection</b>
Long Preston Parish Council is fully committed to protect, maintain and enhance the community within the Parish.

Finally, please provide, if available, a copy of your organisation's rules/constitution. Please indicate which documents you intend to provide below by placing an 'X' against the relevant document type.

<b>Type of document</b>	<b>X</b>
Memorandum and Articles of Association (for a company)	
Trust Deed (for a trust)	
Constitution and/or rules (for other organisations)	
Other, such as Standing Orders	<b>X</b>

## Section 2: About the asset

### Section 2A: Basic details

Please provide basic details about the asset

<b>Type of land/building (for example, pub, shop)</b>	1. pub 2. post office and village stores
<b>Name of the premises</b>	1. The Maypole Inn, inn 2. The Post Office, post office and village stores and bed 'n' breakfast
<b>Address of the premises</b>	1. The Maypole Inn, Main Street, Long Preston, BD23 4PH 2. The Post Office, 1 Green Bank, Long Preston, BD23 4NA

In addition to the above information, please attach a clear plan which identifies the land/buildings you wish to nominate with a line drawn around the boundary of the area you wish to nominate. This could be a Title Plan from Land Registry, or any other map which gives us enough detail to identify the site.

### Section 2B: Ownership

Please provide details about the asset's ownership, if it is known to you

<b>Name of the owner</b>	
<b>Address of the owner</b>	
<b>Contact details for the owner</b>	
<b>Name of any other occupier</b>	
<b>Name of any other person with an interest in the premises</b>	
<b>Address of any other person with an interest in the premises</b>	
<b>Contact details for any other person with an interest in the premises</b>	

## Section 2C: The premises as an Asset of Community Value

Please explain why you feel the land/premises meets the definition of an Asset of Community Value. Provide as much information as possible. Please note, it is likely that these comments will be shared with the asset owner.

### ACV Definition

A building or other land in a local authority's area is considered land of community value if, in the opinion of the authority:

- (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; and
- (b) it is realistic to think that there can continue to be a 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.

If there is no current use:

- (c) The definition is extended to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

### How does the current main use of the building/land – or a use in the recent past – further the social interests or social well-being of the local community?

Long Preston is an attractive Yorkshire Dales village sited on the main A65 road. To the north the landscape rises to the fells, moors and picturesque valleys of the Dales; to the south are the wetlands of the Ribble Valley which, in turn, sweep upward to the magnificent wilderness of Bowland.

The Maypole Inn is an excellent pub with first rate cuisine.

Set within Yorkshire Dales National Park, this quaint public house and hotel dating back to 1695 is 4 miles from Settle and 11.8 miles from the medieval Skipton Castle.

The Maypole Inn has been a focal point in the village for the last 200 years. The hotel is an ideal base for walking and touring holidays. Open moorland, hill slopes of the Pennines, caves and waterfalls are all within easy reach. Famous walks such as the Yorkshire Three Peaks and those around Malham are also close by.

It has always furthered the social wellbeing of the village. The pub has in the past always held meetings for voluntary groups and more formal organisations, which it has done with a free supper. All funeral receptions would be held there, many sporting groups would meet on a regular basis.

The Inn offers accommodation, bed and breakfast and food all day. It has warmly decorated rooms, some with period details such as exposed-beam ceilings, are all en-suite, have tea/coffee making facilities, free wifi, TVs and are very comfortable.

These benefits the village economy as it has for generations provided employment for the young people of the village, and also for a number of permanent staff. Regular and popular functions for the entire village have been held here and the pub has put forward darts teams / quiz teams / pool teams / dominoes teams and has always furthered the social interests of the community, which it has always been the central point of.

Over the years the Maypole Inn has built a reputation for quality and sincerity serving good food and real ales. In 2010 the inn was delighted to be awarded by Keighley and Craven CAMRA (Campaign for Real Ale) the title of Pub of the Year.

The Post Office:

The post office is an essential resource for the village. It has a fully stocked shop which is invaluable for all village residents and patronised by the entire village. It is particularly

**How does the current main use of the building/land – or a use in the recent past – further the social interests or social well-being of the local community?**

useful for those elderly residents who do not have either transport or the internet to do their shopping, and also provides access to post office services including cash transactions. It provides a dry cleaning service; sells produce by local people and even dispense prescriptions. It is involved with various village organisations and collects money on behalf of various charities, and sells tickets on behalf of the Playing Field Association fundraising events. It is in the best interest of the village that it remains open.

**Please explain how there can continue to be a main use of the building/land which will further the social interests or social wellbeing of the local community, whether or not this is in the same way as before.**

The Parish Council would have the ability to raise funds on a commercial basis. Certain high net worth individuals have exposed their interest in assisting financially as they recognise the value of the two buildings to the fabric of the village.

There is a local bus service which serves the village, as well as a train station. This ensures that all members of the community can easily and safely enjoy the existing facilities.

The two buildings enable local people to meet and socialise in a welcoming environment which, individually, they find rewarding and enjoyable. Such interaction is also in the interests of the locality as a whole as it encourages community cohesion and a collective sense of wellbeing. Should any one of the two disappear, without the village community having a chance to save it, this would be a seriously damaging event to this rural community.

**If not currently used for the purposes listed above, is it realistic to think that within five years the building/land can be brought back into a use that furthers the social interests or wellbeing of the local community, whether or not in the same way as before?**

The two buildings are a focal point in the village. The residents and the village organisations will organise community events to raise the necessary funds.

### Section 3: Checklist and Declaration

In addition to the form, please confirm any attachments if provided.

<b>Document</b>	<b>X</b>
Copy of organisation's constitution/rules/other	
A clear plan defining the land/premises being nominated	<b>X</b>

Finally, in order to confirm that the information contained within this nomination form is correct and complete and that the required documents are attached, an appropriate authorised officer must sign the below declaration.

We can accept electronic signatures.

<b>Full name</b>	
<b>Signature</b>	

Assets of Community Value nominations are coordinated by area-based teams, when complete, please return this form and any accompanying materials to the appropriate e-mail address below:

Harrogate Area	<a href="mailto:AssetsofCommunityValue.Harrogate@northyorks.gov.uk">AssetsofCommunityValue.Harrogate@northyorks.gov.uk</a>
Craven Area	<a href="mailto:AssetsofcommunityValue.Craven@northyorks.gov.uk">AssetsofcommunityValue.Craven@northyorks.gov.uk</a>
Scarborough Area	<a href="mailto:LegalServices.sca@northyorks.gov.uk">LegalServices.sca@northyorks.gov.uk</a>
Ryedale Area	<a href="mailto:Localplan.rye@northyorks.gov.uk">Localplan.rye@northyorks.gov.uk</a>
Richmondshire Area	<a href="mailto:AssetsofCommunityValue.Richmondshire@northyorks.gov.uk">AssetsofCommunityValue.Richmondshire@northyorks.gov.uk</a>
Hambleton Area	<a href="mailto:Communities.ham@northyorks.gov.uk">Communities.ham@northyorks.gov.uk</a>
Selby Area	<a href="mailto:AssetsofCommunityValue.Selby@northyorks.gov.uk">AssetsofCommunityValue.Selby@northyorks.gov.uk</a>

Before completing this form, please check the guidance notes at the end of the document.

If you require any assistance, please contact

[AssetsofCommunityValue.NYC@northyorks.gov.uk](mailto:AssetsofCommunityValue.NYC@northyorks.gov.uk)

#### Privacy notice

Please retain a copy of this form for your records and should your circumstances or contact details change then please let the appropriate contact officer know.

This information will be held in accordance with NYC Privacy Notices.

#### Appendix 1. For unincorporated groups and community interest groups

Please skip this section if you are a Parish Council

In the case of an unincorporated body, at least 21 of its individual members must be registered to vote locally in order to make an ACV nomination. Please confirm the names and addresses of these members with a signature. If they are registered to vote in the area of a neighbouring local authority, rather than in North Yorkshire, please confirm which area that is.

Member name	Member address	Signature

# Appendix B – Site Plan for NYCACV0039 Long Preston Post Office and Village Stores

POST OFFICE

