

# North Yorkshire Council

19 July 2024

## Assessment of Assets of Community Value Nomination NYCAC0048 Horton School, Horton in Ribblesdale Report to the Head of Localities

### 1.0 PURPOSE OF REPORT

- 1.1 To determine whether the Horton School site, Horton in Ribblesdale (NYCAC0048) should be placed on the Council's List of Assets of Community Value (ACVs).

### 2.0 SUMMARY

- 2.1 This nomination covers the Horton School site, Horton in Ribblesdale which was nominated, (along with Horton School House) by Craven Wildlife Rescue on 27 May 2024.

This report deals with the Horton School 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 Horton School Site, Horton in Ribblesdale as required by the Act.

#### **4.0 CONSIDERATION OF THE NOMINATION**

- **Description of Asset**

This nomination covers Horton School site, Horton in Ribblesdale .  
The site is currently cared for by the Board of Governors and Craven Wildlife Rescue currently occupy part of the site.

Ownership of the site is unclear with both the local community and Leeds Diocese asserting a claim to the site.

- **Nomination**

Horton School site closed as a school in 2017 and was previously listed as an asset of community value in 2018 following nomination by Friends of Horton Old School. That listing has now lapsed and Craven Wildlife Rescue submitted a new nomination on 27 May 2024.

The building was previously the village primary school for over 100 years. Since closing in July 2017 the building has been used for a variety of local events such as Forest school, church events, play group, village show, holiday club, community lunches for older generations, basic life support training, village social events and funeral teas.

Before Covid the venue hosted three peaks art trail and workshops showcasing local arts. Rooms have also been hired by local groups e.g. Bradford Pothole Club (whose premises are just outside the village) for photographic shows, Yorkshire Dales Millenium Trust for meetings and the local history group.

Before Covid the community were interested in developing the former school but by the time the pandemic, and its aftermath, were over, people lacked the energy to revive plans. Now that the building is being used by Craven Wildlife Rescue there is renewed local interest in developing the site for wider community use.

Craven Wildlife Rescue are working with other community organisations, such as Settle Community and Business Hub and Settle Victoria Hall, to engage with various groups e.g. people with mental health issues, those experiencing rural isolation and retired members of the community who can contribute, or learn, skills through projects such as making hedgehog/bird boxes which the rescue can use and upcycling and crafting projects which can be used to raise funds. They are also providing an educational resource for both adults and children in the village, and the wider local area.

Craven Wildlife Rescue have proposed a range of potential other community uses for the building such as Afternoon teas, Cinema, Evening classes, Exhibition space, 3 peaks events, Car boot sales, Community events, Outreach doctors /health services, Arts hub, Bunk barn, Café, Lunch club, U3A, Shop, Knit and natter Internet café, Forest school ,Youth groups, Young farmers club and Playgroup.

Craven Wildlife Rescue are currently investigating sources of funding which could be used for making alterations and repairs to the building and working with local community members to develop these plans.

Horton in Ribblesdale Parish Council met on 8<sup>th</sup> July to consider the proposals to nominate the Horton School Site and the Horton School House site and fully supported both nominations.

- **Comments Received**

In accordance with the local nomination guidelines the local ward councillor, Cllr David Staveley, Settle & Penyghent Electoral Division and the relevant Spatial Planning Team (in this case YDNPA) were consulted regarding the assessment of the nominated site.

Cllr Staveley commented that he supported the sites designation as an asset of community value and believed the applicant has met the necessary criteria to have the former Horton Primary School listed as a community asset.

The Spatial Planning team's response was inconclusive but did comment that some intervening uses of the building since the school closure could meet the community asset criteria and they noted that their planning policies would seek to protect against any change of use that would lead to the loss of a community facility.

Whilst not formally approached as a consultee Horton in Ribblesdale Parish Council discussed the nominations at a recent Parish Council meeting and are fully supportive of the Horton School site being registered as a community asset.

- **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

Craven Wildlife Rescue state that Horton School is a vital community resource for the village providing social, educational and wellbeing benefits to the village and has the potential to deliver additional community benefits and services.

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

The Spatial Planning team's response concluded that some activities on the site may meet 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.

Horton in Ribblesdale Parish Council have considered the nominations and are fully supportive of the Horton School site being registered as a community asset.

## • Conclusion

Having reviewed the evidence provided by Craven Wildlife Rescue and considered the assessment of the local Councillor and Spatial Planning Team I recommend that Horton School Site 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 David Staveley, Settle & Penyghent Electoral Division

I feel the applicant has met the necessary criteria to have the former Horton primary School listed as a community asset for the following reasons;

- The current use has demonstrated a locally valued facility delivering environmental education and conservation services,

- As a focal point for the groups activities, it has allowed development of their offering and it is entirely credible to suggest the further enhancement of the facility including extended work in the wider community network will result from the ability to operate from the site given its unique position within the National Park and the access it gives to various ecological resources.
  - The group has developed a strong community engagement with both community groups and volunteer sectors, delivering valuable educational resource to a wide range of age groups including schools.
- **YDNPA Spatial Planning Team**

The National Park Authority is not the determining authority for applications of this sort, we simply do not have the oversight to provide clear advice on whether the tests are met. I can therefore only offer the following as informal comments:

- 1) Current use, or use in the recent past, furthers the social wellbeing or interests of the local community –

In respect of the former school building, this test was clearly met during the time the school was operating up to 2017. Whether that qualifies as ‘recent past’, in the absence of any definition of that term in the Localism Act, is a judgement that will need to be made. Some intervening uses of the building since the school closure would also appear to also be capable of meeting this test, however we only have a brief description of these activities and it is particularly difficult to draw a clear conclusion on the duration and regularity of these uses, which would presumably be a relevant consideration in whether this test was met. Most recently, the occupation of the building by the Craven Wildlife Rescue could also, I would suggest, satisfy this test based on the description of activities within the application, however the suggestion is that this use extends to one classroom only, so again there will be a judgement to be made about whether a partial use of the building could confer ‘land of community value’ status on the whole edifice.

- 2) Realistic to think that it could be used to further the social wellbeing or interests of the local community in the next 5 years –

In respect of the former school, I note the ambitions of Craven Wildlife Rescue to use the school as a longer-term base for its activities. Whether this could be regarded as realistic depends on a number of considerations, perhaps crucially that a tenancy or purchase of the premises could be negotiated with the owner. I note that the owner is recorded as unknown in the application form. My understanding was that, given the closure of the School, the Horton School Foundation Governors could no longer continue to fulfil its charitable objects as written (to provide a public elementary school) , which in turn meant that the Leeds Diocese could apply to the Secretary of State under Section 554 of the Education Act to create new trust arrangements for the property (including potentially taking ownership of the Foundation’s assets). I am unsure whether these measures have been executed and this would appear to be a key aspect in determining who owns/controls the premises so that the likelihood of future uses of the building furthering community interests could be established.

In terms of any future use of the school (by the wildlife rescue group or others), the planning policy position is that the adopted Local Plan presumes in favour of the

retention of existing community uses. Policy C9 of the Local Plan requires that, even in instances where an existing community use is no longer needed, proposals would need to demonstrate that an alternative community use of the building was not needed or could not be fulfilled. This policy does not provide a guarantee that a community use of the premises will be found within the next 5 years, for example, it would not prevent the property from being left vacant for an extended period of time. It does however provide protection against it being lost to alternative uses until such time as reasonable endeavours have been made to investigate the feasibility of providing an alternative community use. It is essential that anyone wishing to investigate re-purposing the school, whether for community purposes or otherwise, engages with the Authority to obtain appropriate planning advice.

## **7.0 ALTERNATIVE OPTIONS CONSIDERED**

7.1 None. Not to consider the nomination for Horton School Site 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 Horton School Site, Horton in Ribblesdale 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 Horton School Site, Horton in Ribblesdale 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 NYCAC0048 Horton School Site, Horton in Ribblesdale  
Appendix B – Site Plan for NYCAC0048 Horton School Site, Horton in Ribblesdale

## **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 Community Development Officer  
Presenter of Report – Kate Senior Community Development Officer



**Appendix A – Nomination Form for NYCAC0048  
Horton School Site, Horton in Ribblesdale**



**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>	Craven wildlife Rescue
<b>Organisation postal address</b>	1 New Street, Langcliffe, Settle, North Yorkshire BD24 9ND
<b>Organisation website</b>	Facebook page, no website currently: <a href="https://www.facebook.com/p/Craven-Wildlife-Rescue-100069909106231/">https://www.facebook.com/p/Craven-Wildlife-Rescue-100069909106231/</a>
<b>Named contact for the organisation</b>	██████████
<b>Position of named contact within the organisation</b>	Trustee
<b>Telephone number for named contact</b>	
<b>Email address for named contact</b>	

## 1B. Organisation type

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

Organisation Type	X	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>		
<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> <p><b>Please complete additional form in Appendix 1 if this applies to you.</b></p>	X	<p>Craven Wildlife Rescue</p> <p>Registered charity number 1207419</p>

### 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.

#### Details regarding local connection

We are a wildlife rescue organisation which covers the Craven area of North Yorkshire. Our registered address is in Langcliffe, North Yorkshire and our rescue facility is located within Horton in Ribblesdale Primary School, Horton in Ribblesdale, North Yorkshire, both of which are also within the Craven area.

We also benefit and engage with the following locally:

Children and young people:

- a. Through educational work e.g. talks to schools, Brownie and Scout groups.
- b. Engaging young people with our work through e.g. working with schools to create hedgehog-friendly areas, put out hedgehog/bird boxes/trail cameras and act as release sites where safe and appropriate.

Disadvantaged groups:

- d. Through working with other community organisations, such as Settle Community and Business Hub and Settle Victoria Hall, to engage groups such as people with mental health issues, those experiencing rural isolation and retired members of the community who can contribute, or learn, skills through projects such as making hedgehog/bird boxes which the rescue can use and upcycling and crafting projects which can be used to raise funds.
- e. We can offer volunteering opportunities for people from a variety of disadvantaged groups e.g. people with disabilities, special needs, unemployed.

Providing a service to the general community:

- f. We will care for sick or injured wildlife regardless of who contacts us and anyone can access the Facebook page and read about the work that we are doing.
- g. We can also give talks about wildlife and wildlife rescue to other community groups e.g. Women's Institute.
- h. Liaising with other similarly-minded groups on projects to benefit the wider community e.g. Natural England, Wildlife Trusts, Craven Badger Group, Action on Climate Emergency Settle.

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)	<b>X</b>
Other	

## 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>	Former primary school (school building and playground)
<b>Name of the premises</b>	Horton in Ribblesdale Church of England Primary School
<b>Address of the premises</b>	Brackenbottom Lane, Horton in Ribblesdale, Settle BD24 0EX. Please see attached plan - note that two properties are shown on this, the school itself and the school house.

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>	Not know – unregistered with HM Land Registry
<b>Address of the owner</b>	Not know – unregistered with HM Land Registry
<b>Contact details for the owner</b>	The building is currently cared for by the Board of Governors. The governors may be contacted via the Chair, [REDACTED],

<b>Name of the owner</b>	Not know – unregistered with HM Land Registry
<b>Name of any other occupier</b>	The Craven Wildlife Recue facility currently occupies part of the building (one former classroom). The remainder is unoccupied.
<b>Name of any other person with an interest in the premises</b>	We are not aware of any other interested parties other than the Board of Governors (contact details above).
<b>Address of any other person with an interest in the premises</b>	We are not aware of any other interested parties
<b>Contact details for any other person with an interest in the premises</b>	We are not aware of any other interested parties

## 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?**

The building was previously the village primary school and served the village for over 100 years at this site. Since closing as a school in July 2017 the building has been used for a variety of local events e.g. Forest school, church events, play group, village show, holiday club, community lunches for older generations, basic life support training, village social events and funeral teas. Before COVID the venue hosted a major arts event – the three peaks art trail and workshops showcasing local arts. Rooms have also been hired by local groups e.g. Bradford Pothole Club (whose premises are just outside the village) for photographic shows, Yorkshire Dales Millenium Trust for meetings and the local history group

Craven Wildlife Rescue has recently moved its facilities into the building, which has attracted interest and support from the local community. Some of our existing, and many pending, volunteers are from the village and we are also providing an important educational resource for both adults and children in the village, and the wider local area.

We are also working with other community organisations, such as Settle Community and Business Hub and Settle Victoria Hall, to engage with various groups e.g. people with mental health issues, those experiencing rural isolation and retired members of the community who can contribute, or learn, skills through projects such as making hedgehog/bird boxes which the rescue can use and upcycling and crafting projects which can be used to raise funds.

**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 village has no other significant venue (the current village hall is in disrepair and not fit for purpose) and no community hub which can be used for local events of a social or education nature. The following ideas for future use have been identified:

Afternoon teas	Cinema	Evening classes
Exhibition space for showcasing the dales	3 peaks events	Car boot
Community events	Outreach doctors /health services	Arts hub
Bunk barn	Café	Lunch club
U3A	Shop	Knit and natter
Internet café	Forest school	Youth groups
Storage for small businesses	Young farmers club	Playgroup

The village attracts large numbers of tourists all year round as it is the official starting and finishing point for the Three Peaks walk. There is currently no café in the village. There is the potential to offer cafe and resting/changing facilities in the building as it has a large main hall and kitchen and spaces which could easily be used as changing

**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.**

facilities. These could generate income for the local community on an ongoing basis. The village is also on the Pennine Way, which is used for the ultra-distance Spine Challenge race and could serve as a valuable resting/sleeping/refreshment site for participants. There is also the potential to generate income for local caterers/events organisers through using the building for e.g. wedding hire.

It would also be feasible to convert some areas of the building into workshop space for local crafts people/artists to work and sell their produce and for organisations such as the Yorkshire Dales National Parks Authority and Tourist Information to use as a base.

**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?**

Yes. Although there has been interested in reviving the school previously, the COVID pandemic, and its aftermath, resulted in efforts being focused elsewhere rather than on the school. By the time the pandemic, and its aftermath, were over, people lacked the energy to revive plans and some people's lives had moved on in other ways. The situation is now very different as:

1. Craven Wildlife Rescue is already using the building and has already had successful funding bids to support its work, alongside interest from local people for getting involved. It is currently investigating sources of funding which could be used for making alterations and repairs to the building.
2. The Yorkshire Dales National Parks Authority has indicated that it may be interested in using space in the building.
3. Some of the Craven Wildlife Rescue Trustees have a good track record of successful funding applications and business planning which could serve as the basis of a rejuvenation plan.

### Section 3: Checklist and Declaration

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

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

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>	[REDACTED]
<b>Signature</b>	[REDACTED]

**Appendix B – Site Plan for NYCAC0048  
Horton School Site, Horton in Ribblesdale**

HM Land Registry  
Current title plan

Title number **NYK469595**  
Ordnance Survey map reference **SD8172SW**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **North Yorkshire**



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