

North Yorkshire Council

19 July 2024

Assessment of Assets of Community Value Nomination NYCAC0049 Horton School House, Horton in Ribblesdale Report to the Head of Localities

1.0 PURPOSE OF REPORT

- 1.1 To determine whether the Horton School House site, Horton in Ribblesdale (NYCAC0049) 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 House site, Horton in Ribblesdale which was nominated, (along with Horton School) by Craven Wildlife Rescue on 27 May 2024. This report deals with the Horton School House Site and the recommendation is that it should not 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 House Site, Horton in Ribblesdale as required by the Act.

4.0 CONSIDERATION OF THE NOMINATION

- **Description of Asset**

This nomination covers Horton School House site, Horton in Ribblesdale .
The site is currently cared for by the Board of Governors and occupied by a tenant.

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

The excess income from the School House, when it was not been used by the head teacher, has always been used to fund the upkeep of the school buildings and the applicant is therefore proposing that the School building and School House should be considered jointly as Community Assets.

- **Nomination**

Horton School House has historically been used as a private dwelling originally housing the local school teacher and more recently being let out to a private tenant.

The income from renting out the School House has been used to support the running of the school and fund the upkeep of the school building.

Craven Wildlife Rescue are requesting that the School House is listed as an Asset of Community Value as they feel it forms part of the Horton School site and that this will allow the ongoing income from renting out this property to continue to support the old primary school building.

- **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 as it forms part of the business model that supports the financial viability of the old school facility.

The Spatial Planning team's response was inconclusive as to whether the School House site should be considered as part of the Horton School site.

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 House 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

From the information provided it appears that Horton School House has always been used as a private residence which would mean that it falls within the category of assets excluded from listing which include : Residential property, including gardens, outbuilding and other associated land.

Craven Wildlife Rescue are requesting that the School House is listed as an Asset of Community Value as they feel it forms part of the Horton School site and that this will allow the ongoing income from renting out this property to continue to support the old primary school building.

Cllr Staveley commented that he supported the sites designation as an asset of community value as it forms part of the business model that supports the financial viability of the old school facility.

The Spatial Planning team's response was inconclusive as to whether the School House site should be considered as part of the Horton School site.

Horton in Ribblesdale Parish Council have considered the nominations and are fully supportive of the Horton School House 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 House Site should not be listed as Assets of Community Value as the site is a residential property which makes it a category of assets excluded from the list of assets 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 support the application for the School House as it forms part of the business model that supports the financial viability of the old school facility.

- **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 school house, the suggestion appears to be that it is now let separately from the school as a private residence and presumably also didn't feature in the intervening uses of the school building. Its status during the period the school was open would therefore appear to be most relevant, with a judgement as to whether it did have an intrinsic link to the operation of the school being key, provided this falls within the interpretation of the 'recent past' mentioned above. Also, whether any intervening (post- 2017) occupation as an entity separate from the rest of the school could effectively act to sever the link between the two.

- 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 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.

In respect of the school house, a planning judgement is required to determine whether this forms an ancillary part of the overall mixed use of the premises, or whether it is a separate planning unit. That will depend upon the historical use of the residence in relation to the school. This will determine whether the school house would be covered by the above policy protections, or whether it can be lawfully occupied separately as a private residence.

7.0 ALTERNATIVE OPTIONS CONSIDERED

- 7.1 None. Not to consider the nomination for Horton School House 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 House Site, Horton in Ribblesdale does not meet 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 House Site, Horton in Ribblesdale is unsuccessful and does not meet 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 Unsuccessful Nominations

APPENDICES:

Appendix A – Nomination Form for NYCAC0049 Horton School House Site, Horton in Ribblesdale

Appendix B – Site Plan for NYCAC0049 Horton School House 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 NYCAC0049
Horton School House 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

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

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>Parish Councils</p> <p>This may be for an asset in its own area, or in the neighbouring Parish Council area</p>		
<p>Neighbouring Parish Councils</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>Un-incorporated groups</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>Please complete additional form in Appendix 1 if this applies to you.</p>		
<p>Neighbourhood Forums</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>Please complete additional form in Appendix 1 if this applies to you.</p>		
<p>Community interest groups with a local connection</p> <p>These must have one or more of the following structures:</p> <ul style="list-style-type: none"> • A charity • A community interest company • A company limited by guarantee that is non-profit distributing • An Industrial and Provident Society that is non-profit distributing/Community Benefit Society <p>Please complete additional form in Appendix 1 if this applies to you.</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.

Type of document	X
Memorandum and Articles of Association (for a company)	
Trust Deed (for a trust)	
Constitution and/or rules (for other organisations)	X
Other	

Section 2: About the asset

Section 2A: Basic details

Please provide basic details about the asset

Type of land/building (for example, pub, shop)	School House – former School Master’s residence and attached land.
Name of the premises	School House, Horton In Ribblesdale, Settle, BD24 0EX
Address of the premises	School House, 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

Name of the owner	THE OFFICIAL CUSTODIAN FOR CHARITIES
Address of the owner	Horton-in-Ribblesdale C Of E Primary School, Settle BD24 0EX
Contact details for the owner	As far as we are aware the building is currently cared for by the Board of Governors. The governors may be contacted via the Chair, [REDACTED]
Name of any other occupier	Unknown but the building is currently occupied by a tenant.

Name of the owner	THE OFFICIAL CUSTODIAN FOR CHARITIES
Name of any other person with an interest in the premises	We are not aware of any other interested parties other than the Board of Governors (contact details above) and the tenant of the property.
Address of any other person with an interest in the premises	Contact details for the Board of Governors above. Tenant's name unknown but lives at the property.
Contact details for any other person with an interest in the premises	See above

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?
This application needs to be viewed in conjunction with a separate one for registering the Horton in Ribblesdale Church of England Primary School as an asset of community value. The excess income from the school house, when it was not been used by the head teacher, has always been used to fund the upkeep of the school buildings so the two buildings are irrevocably linked.
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 ongoing income from renting out this property can continue to be used to support the old primary school building.

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 School House is occupied and rented and there is no reason for this to not continue.

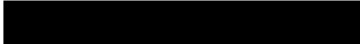

Section 3: Checklist and Declaration

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.

Full name	
Signature	

Appendix B – Site Plan for NYCAC0049 Horton School House 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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