

North Yorkshire Council

11 November 2024

Assessment of Assets of Community Value Nomination NYCAC0053 Horton School Playing Field, Horton in Ribblesdale Report to the Head of Localities

1.0 PURPOSE OF REPORT

- 1.1 To determine whether the Horton School Playing Field, Horton in Ribblesdale (NYCAC0053) 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 Playing Field, Horton in Ribblesdale which was nominated, by Craven Wildlife Rescue on 16 September 2024. 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 Horton School Playing Field, Horton in Ribblesdale as required by the Act.

4.0 CONSIDERATION OF THE NOMINATION

- **Description of Asset**

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

The site is owned by North Yorkshire Council but not showing as registered to them on HM Land Registry.

- **Nomination**

The Horton School site closed as a school in 2017 and the School, School House and Playing Field and were all previously listed as an assets of community value in 2018 following nomination by Friends of Horton Old School. That listing expired and Craven Wildlife Rescue submitted a new nomination for the School and School House on 27 May 2024, Craven Wildlife Rescue have now submitted this further nomination for the School Playing Field.

Craven Wildlife Rescue state that the playing fields are integral to plans for the former school mentioned in the previous ACV.

Craven Wildlife Rescue, which occupies part of the former school, currently uses some areas of the playing fields for its rescue work e.g., outdoor aviaries for rehabilitating wild birds.

As some areas of the playing field have been largely undisturbed since the school closed in 2017 they are attracting a variety of local flora and fauna, contributing to local biodiversity and serving as a resource for educating local people about the environment. Craven Wildlife Rescue also houses some of its animal patients in the playing fields as part of their rehabilitation, prior to release back into the wild.

The playing fields are also used – albeit unofficially – by many local people to walk their dogs and as a play/recreation area for children and are therefore benefitting the community in a variety of ways. Other play facilities are almost a mile away at the other end of the village.

Craven Wildlife Rescue has attracted interest and support from the local community. Some volunteers are from the village and the Rescue also provides an educational resource for both adults and children in the village, and the wider local area.

The Rescue also work with other community organisations, such as Settle Community and Business Hub and Settle Victoria Hall, to engage with 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.

The playing fields are integral to planned future use of the old school. For example, as a safe play and recreation area for local children (including those who might attend a future playgroup in the old school).

- **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 Yorkshire Dales National Park Authority (YDNPA) were consulted regarding the assessment of the nominated site.

Cllr Staveley commented that he supported the site's designation as an asset of community value and believed the applicant has met the necessary criteria to list the playing field as a community asset.

The Spatial Planning team's response was inconclusive but did comment that as the land is used informally for recreation by the local community this use would fit with the community asset criteria. YDNPA also noted that their planning policies would seek to protect against any change of use that would lead to the loss of a community facility and important open space.

- **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 the old playing field currently provides a recreational amenity for the local community and could, in the future, provide additional community facilities such as a children's play area.

Cllr Staveley commented that he supported the site's designation as an asset of community value as it provides 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 and an important open space.

- **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 Playing Field Site should be listed as an Asset 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 as it provides an informal recreation space to the local community.

5.0 CONSULTATION UNDERTAKEN AND RESPONSES

- **Local Councillor – Cllr David Staveley, Settle & Penyghent Electoral Division**

I would like to give my support to this nomination as I feel the previous use by the community along with the future potential for this site to serve the community, special interest/environment/animal welfare groups and support viability of the wider facility, make its status as an Asset of Community Value, beyond doubt.

- **Yorkshire Dales National Park Authority Spatial Planning Team**

It appears to me there are a series of judgements that need to be made as to whether this land meets the tests set out in legislation. Since the legal tests lack much precision, I suspect these judgements may rely to some degree on past interpretations that create legal precedent. I'm afraid that, since 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. In view of this and the limited information available from the application, I can therefore only offer the following as informal comments:

- 1) *Is the current use of the land a main use and not an ancillary one?*

The application refers to the use of 'some areas' in association with the wildlife rescue operations, but it is not clear how extensive these are. This question will be key to establishing what the main use of the land is. It is similar in many ways to the issue with the school building, where only one classroom was being used by the wildlife rescue group, so you have a situation of partial use of both the building and adjoining land, together with a suggestion that the land is also used for recreation purposes by the local community.

2) *Does the Current use, or use in the recent past, furthers the social wellbeing or interests of the local community –*

Clearly the land met this test 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.

Most recently, the occupation of 'some areas' of the land by the Craven Wildlife Rescue could also, I would suggest, satisfy this test based on the description of activities within the application, but it may only be partial areas (see above).

The suggestion is also that the land is used informally for recreation by the local community, which I would also suggest could satisfy this test, although that will presumably depend on the regularity of use.

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

It seems like the Craven Wildlife Rescue group have ambitions to use the site as a longer-term base for its activities. Given the existing presence on the site and support for its activities, there is a greater degree of certainty regarding the prospects on continued use going forward.

Unfortunately, the use of both the building and land appears to be somewhat informal at present. This raises questions as to whether continued use could be regarded as realistic. Crucially, there will need to be a secure tenancy or purchase of the land negotiated with the owners. This is complicated by the fact that the building and land appear to be in separate ownerships.

There appears to be more certainty regarding the ownership of the school fields, however the issue of tenancy/ownership would still need to be resolved. I note that NYC has recently applied to dispose of the land under Section 77 Schools Standards and Framework Act 1998, but it is not clear whether the land will simply be made available on the open market or whether some prior purchase agreement is in place. This is obviously a key aspect in determining the likelihood of future uses of the land furthering community interests. Until this certainty exists, it is difficult to say with any certainty that the current, seemingly informal uses of the land (and building), could be perpetuated.

We are aware that there have been wider ambitions to utilise the premises for a range of other community uses. Following the closure of the school, Horton Old School Community Association was active in lobbying to retain the site as a

community facility. The previous ACV application for the buildings mentioned a range of events that had been held since the school closure. In 2022 the Parish Council was interested in a potential purchase of the fields for allotment use. This ACV application mentions a potential playgroup. While I am sure that many of these options would appeal to potential funders and could follow the example set by many other successful community initiatives in the Dales, I am unsure whether proposals for the site are at a sufficiently advanced stage of planning and/or could resolve the ownership/tenancy issues mentioned above.

Clearly, if the building/land is to host a wider range of community uses, there would need to be some thought given to compatibility with the animal rescue activities, were they to continue.

YDNPA previously stated the following planning policy position in relation to the land in response to NYC's consultation on the Section 77 disposal application in June 2021.

- Policy C9 which relates to existing community facilities. It would test the degree to which the whole or any part of the site (buildings and playing field) could fulfil or is needed for continued community uses. Any application for non-community uses will need be supported by adequate evidence to establish that the site is not needed for, or cannot fulfil, an alternative community use;
- Policy C13 designates the playing field as 'important open space'. This policy presumes against development proposals that would compromise the functions of the open space. In this instance it seems likely that the playing fields were designated on the basis that they "provide a valued sporting or recreational resource for the local community" as part and parcel of the school premises. Development or change of use of the site would need a case to be made that the land was no longer needed for this purpose.

7.0 ALTERNATIVE OPTIONS CONSIDERED

7.1 None. Not to consider the nomination for Horton School Playing Field 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

- Council owned property

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 Playing Field, 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 Playing Field, 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 NYCAC0053 Horton School Playing Field, Horton in Ribblesdale

Appendix B – Site Plan for NYCAC0053 Horton School Playing Field, Horton in Ribblesdale

BACKGROUND DOCUMENTS:

Localism Act 2011

The Assets of Community Value Regulations (England) 2012

11 November 2024

Head of Localities
County Hall
Northallerton

Report Author – Kate Senior Community Development Officer

Presenter of Report – Kate Senior Community Development Officer

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.

We currently occupy part of the old Primary School building at Horton in Ribblesdale and use part of the playing fields for outdoor enclosures for wildlife which we are rehabilitating, prior to release.

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)	Former primary school playing fields
Name of the premises	School playing fields, Horton in Ribblesdale Church of England Primary School
Address of the premises	Brackenbottom Lane, Horton in Ribblesdale, Settle BD24 0EX.

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	North Yorkshire County Council (but not showing as registered to them on HM Land Registry)
Address of the owner	Civic Centre, Stone Cross, Rotary Way, Northallerton, North Yorkshire DL6 2UU

Name of the owner	North Yorkshire County Council (but not showing as registered to them on HM Land Registry)
Contact details for the owner	The property is currently cared for by the Board of Governors. The governors may be contacted via the Chair, [REDACTED],
Name of any other occupier	The Craven Wildlife Recue facility currently occupies part of the former primary school and uses some areas of the former playing fields.
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).
Address of any other person with an interest in the premises	We are not aware of any other interested parties
Contact details for any other person with an interest in the premises	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 Horton Primary School building, whose playing fields these are, was registered as an Asset of Community Value by Craven Wildlife Rescue on 19th July 2024. This is the second time it has been registered in this capacity since it closed in July 2017. The playing fields are integral to plans for the former school mentioned in the ACV. Craven Wildlife Rescue, which occupies part of the former school, currently uses some areas of the playing fields for its rescue work e.g. outdoor aviaries for rehabilitating wild birds. As they have been largely undisturbed for many years, since the school closed in 2017, some areas of the former playing fields are attracting a variety of local flora and fauna, and therefore providing vital support for local biodiversity. The playing fields are also used – albeit unofficially – by many local people to walk their dogs and as a play/recreation area for children and are therefore benefitting the community in a variety of ways. Other play facilities are almost a mile away at the other end of the village.

Craven Wildlife Rescue 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 playing fields are integral to the use of the old playing school as a community asset. For example, as a safe play and recreation area for local children (including those who might attend a future playgroup in the old school). As the area has been largely undisturbed since the school closed in 2017 it supports a variety of native flora and fauna, including butterflies, grasses, flowers and hedgehogs. It is therefore contributing to local biodiversity and serves as a resource for educating local people about the environment. Craven Wildlife Rescue also houses some of its patients in the playing fields as part of their rehabilitation, prior to release back into the wild.

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. Whilst some work would be needed to establish part of the playing fields as a safe play area, the majority would be left undisturbed as natural habitat for flora and fauna. There are plans to upgrade the outdoor animal facilities used by Craven Wildlife Rescue and funding application are in progress to support this.

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	

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	AssetsofCommunityValue.Harrogate@northyorks.gov.uk
Craven Area	Assetsofcommunityvalue.Craven@northyorks.gov.uk
Scarborough Area	LegalServices.sca@northyorks.gov.uk
Ryedale Area	Localplan.rye@northyorks.gov.uk
Richmondshire Area	AssetsofCommunityValue.Richmondshire@northyorks.gov.uk
Hambleton Area	Communities.ham@northyorks.gov.uk
Selby Area	AssetsofCommunityValue.Selby@northyorks.gov.uk

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

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 B – Site Plan for NYCAC0053
Horton School Site, Horton in Ribblesdale**

