

North Yorkshire Council

3 February 2025

Assessment of Assets of Community Value Nomination NYCACV0055 Land between No. 8 Derwent Avenue and Railway line, Low Hutton, Huttons Ambo

Report to the Head of Localities

1.0 PURPOSE OF REPORT

1.1 To determine whether the **Land between No. 8 Derwent Avenue and Railway line, Low Hutton, Huttons Ambo** should be placed on the Council's List of Assets of Community Value (ACVs) under the Localism Act 2011, following a valid nomination form received on 6th December 2024 by Huttons Ambo Parish Council, a qualifying nominator.

2.0 SUMMARY

2.1 The nomination is for the Land between No. 8 Derwent Avenue and Railway line, Low Hutton, Huttons Ambo. The recommendation is that the Head of Localities:

- (i) Determines that the nomination for the Land between No. 8 Derwent Avenue and Railway line, Low Hutton, Huttons Ambo 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.

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.

3.2 When a listed asset comes up for sale, an ACV is subject to a protected period (moratorium) during which a community interest group can bid for the asset. 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 at the end of the moratorium period.

3.3 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.

- 3.4 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.
- 3.5 This report ensures that the Council considers the nomination for the Land between No. 8 Derwent Avenue and Railway line, Low Hutton, Huttons Ambo, as required by the Act.
- 3.6 A decision on the matter will be made by the Head of Localities under the approved Assistant Chief Executive Local Engagement's Scheme of Sub-delegation.

4.0 NOMINATION CONSIDERATION

a) Description of asset

- 4.1 Huttons Ambo is a civil parish in the Ryedale district of North Yorkshire, England. It is about 14 miles (22.5 km) north-east of York and 3 miles (4.8 km) south-west of Malton. The civil parish of Huttons Ambo consists of the villages of High Hutton and Low Hutton. The nominated site is located in Low Hutton, the area has a number of historic buildings and landmarks. Huttons Ambo has a population of approximately 272 people.
- 4.2 The nomination is for a field located to the end of Water Lane, Low Hutton. The field is a green space owned by North Yorkshire Council. There is a small fence surrounding the field which is made from multiple materials and has large gaps to the south of the field which leads to another field (not included in the nomination). There is a train track that sits to the east of the field. The land also has a number of bushes and large trees along the perimeter. To the left of the field, outside of the nominated site, is a small dirt track that can be used to access numerous walking trails. There is hardstanding and some garages near the entrance to the site. There is no parking or facilities associated with the nominated land.

b) Nomination and Validation

- 4.3 The nomination to list Land between No. 8 Derwent Avenue and Railway line, Low Hutton, Huttons Ambo as an Asset of Community Value was received on 6 December 2024 and validated on 10 December 2024. A copy of the nomination form, including the site plan submitted, is attached at **APPENDIX A**. In accordance with the Assets of Community Value (England) Regulations 2012 a decision is required by 4 February 2024. The nomination from Huttons Ambo Parish council was accepted on the basis of the nominating group qualifying as a Parish Council under section 89(2)(b) of the Localism Act 2011
- 4.4 It was established that the nominated site is owned by North Yorkshire Council. The nominated site is registered under Land Registry Title Number NYK277943, a review of this information confirmed the legal ownership and boundaries.
- 4.5 There was no information available about the current occupation or management of the Land between No. 8 Derwent Avenue and Railway line, Low Hutton, Huttons Ambo.

c) Site Visit

4.6 A site visit was undertaken on 18 December 2024, with the following observations made about the nominated site:

- The lane that leads to the nominated site is a small one-way road that turns to a track (it is not a through road).
- Near the entrance to the site there is hard standing with access to 3 garages, the site is accessed off this hard standing. Access to field is via a large gate, which at the time of visiting the site, was left ajar.
- There was a visible path through the middle of the site showing recent/frequent usage by walkers.
- There were signs near the entrance to the field stating 'resident parking only', which looked to be associated with the adjacent garages.
- There is boundary fencing around the perimeter of the field, this varied in material and some was in a poor condition. There were large gaps in the fencing to the south of the land. The gaps to the south of the land lead to another field. To the east of the field is a train track.
- The field is on a slight hill with fairly long grass, bushes and trees surrounding.
- The field had no animals grazing in it at the time of visit.
- There were signs indicating no parking was allowed near the entrance to the site.
- There were no services or facilities at or near the land.
- There was no play equipment or evidence of the field being used for events or activities.

4.7 The following observations were made about the local area:

- The local area hosts a bus stop, telephone box, multiple village benches, which were all situated near a central green space with a war memorial.
- There was a community notice board with some information and a large map of the area.
- Whilst on the site visit there were approximately five people overall walking in the village, some walking dogs, none of which were in the vicinity of the field.

4.8 In summary, at the time of the visit, there were no facilities or services at the site and, other than a worn path, there was no signs of activities, including no children's play equipment or animals grazing in the field.

d) Community Value Consideration

4.9 In terms of making a decision on this matter, the nomination, together with any additional information available or received within the agreed timescale, has been used to assess if the property/land nominated meets the definition of community value as detailed in the Localism Act 2011 (Section 88 (1)) and shown below. Section 88 (1) has been applied as the nomination indicates there are current uses at the site:

“A building or other land in a local authority’s area is land of community value if in the opinion of the authority-

- (a) an actual current use of the building or 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 land which will further the social wellbeing or social interests of the local community, although the use does not have to be the same.”

a) CONDITION ONE - an actual current use of the building or land that is not an ancillary use furthers the social wellbeing or social interests of the local community

4.10 There are examples of green open spaces that have community use and assets have been listed on this basis by other local authorities. However, each nomination is assessed individually, and it is for local authorities to determine whether each one meets the definition of community value as detailed in the Localism Act 2011. In assessing the community value of The Land between No. 8 Derwent Avenue and Railway line, Low Hutton, Huttons Ambo all information received has been considered.

I. An actual current use of the building or land that is not an ancillary use

4.11 The nomination is for a field located to the end of Water Lane, Low Hutton. Consultation with NYC Planning confirmed that the nominated land is a field used principally for grazing animals. The lawful use of the land has not been formally established by a Certificate of Lawful Use Development. Consultation with NYC Property confirmed a licence for grazing was granted between 1 April 2008 and 31 March 2009.

4.12 The actual uses were specified by the nominating group in their submission and were typical of a field in a rural village location. The term “ancillary use” is not defined in the Act, and it is left to each local authority to determine. In the context of assessment, the frequency, regularity and whether uses are still in place have been identified as factors for consideration. It was thought that this condition meant that the community use had to be the primary use of the asset, but this was dispelled by Judge Warren in **Firoka (Oxford United Stadium) Limited v Oxford City Council** (9 May 2014) and the test is whether the use is significant, which does not require it to be the predominant use.

4.13 The nomination form for the Land at Huttons Ambo identified some current uses for the land. These uses are summarised below:

- Used by children to play in:
 - “used by children of the village as a safe play area for them to play ball games such as football, cricket and rounders, that was not too far from home”
 - “within the living memory of two current members of the Parish Council the land in question has always been, and still is, being used by local children living in Derwent Avenue and other properties in Low Hutton as a play area.”

- Family picnics – regularly/seasonal
- Bonfires and fireworks - annual
- Walking route – used regularly and evidenced at site visit
- Used by a farmer – “this land has been rented out intermittently by the farmer for 2 to 3 months per year, mainly over the summer.”

4.14 In reference to the walking routes, the nominating group noted “this path, whilst not being part of the definitive map register of PROWs, is walked by a significant number of people every day and has been used for as long as can be remembered by any current resident of the village”. A search of NYC Public Rights of Way map confirmed no public access footpaths existed within the boundary of the site, however, as noted on the NYC website, not all paths are shown on the definitive map, as there may be paths that have been used by the public for many years and so have acquired public rights, but are not recorded on the definitive map. There were several official footpaths in the immediate vicinity (outside of the boundary of the nominated site). Despite the lack of a permissible footpath, the site visit evidenced that there was a well-worn walking route through the site from the entrance to site where the gate was left ajar.

4.15 Considering the information provided by the nominating group at 4.13, there were not very many uses listed, or supporting evidence provided or available. One of the listed uses was that it was rented out by a farmer, although there were no current formal lease arrangements for this with the council. Some of the uses were associated with annual events (e.g., Bonfire night, New Years Eve), and an event that occurs once a year would not be considered regular. Of those activities that were not annual in nature (ball games, family picnics) there was not very much detail or evidence provided about the frequency/regularity or events, or how many people were using the site for each use type. There was evidence that people used the field as a walking route. ***There is therefore insufficient information provided to demonstrate significant actual use that is non-ancillary and therefore this criteria is not met.***

II. Furthering the social wellbeing/interests of the local community

4.16 There are no clear definitions provided in the legislation as to what constitutes ‘social wellbeing/interests’ except that social interests can include ‘cultural, recreational and sporting interests. Similarly, there is no definition or guidance as to what constitutes the ‘local community’. The judgement in **Pullan v Leeds City Council** (25 April 2016) was that, in relation to the Old Cock public house, the entire town of Otley was considered to be the local community.

4.17 The nomination provided some information about uses at 4.13, details of how these examples further the social wellbeing of the local community are included below:

- Ball games are an example of recreational/sporting interests, and the provision for this at the site was considered valuable because it was a safe area close to where children lived
- The NHS states that walking is simple, free and one of the easiest ways to get more active, lose weight and become healthier
- Bonfire and fireworks are an example of cultural interests
- Family picnics are an example of a social interest

4.18 The information from the nominating group therefore indicated that the site was used for some activities that promoted the social wellbeing of the local community, including recreational sports like ball games, walking for health benefits, cultural events like bonfires and fireworks, and social gatherings such as family picnics. However, the information provided lacked detail and evidence to support this. ***The uses detailed are therefore not considered to further the social wellbeing or social interests of the local community and this criteria is therefore not met.***

III. Local Community

4.19 The nominating group was Huttons Ambo Parish Council. The parish is situated immediately to the west of Malton and covers the two villages of High Hutton and Low Hutton, plus Musley Bank and a small portion of Malton's York Road Industrial Estate. There are approximately 120 properties within the parish boundary.

4.20 The nominating group consider the land to be "an asset to both the villager's' in Huttons Ambo for their recreational use and those who come from outside to walk the footpaths in the village."

4.21 The nominating group stated it is used by local children living in Derwent Avenue and other properties in Low Hutton as a play area.

4.22 ***It is therefore reasonable to determine that that the identification of the local community required by the legislation is the village of Low Hutton, in particular families living on Derwent Avenue and the entire parish of Huttons Ambo. People visiting the area to walk local footpaths would not be considered the local community. This criteria is therefore met.***

4.23 The current uses of the nominated site are difficult to evidence and there are some conflicting uses, e.g., farming and picnics. The nominating group listed five uses for the site, including intermittent farming and annual events like Bonfire Night and New Year's Eve, which were not regular. For non-annual activities (ball games, family picnics) there was little detail or evidence on their frequency or the number of participants. There was evidence that people used the field as a walking route.

4.24 Evidence that the nominated site furthers the social interests, wellbeing of the local community of Huttons Ambo was very limited. The anecdotal information available indicates it provides a safe space for local children to play recreational sports informally, like ball games, it provides a walking route, it is the site for an annual cultural event (bonfire and fireworks), and seasonal social gatherings such as family picnics. However, the information provided lacked detail and evidence to support these interests and activities.

4.25 It is likely that the local community of Huttons Ambo values the nominated site and some infrequent usages that further the social interests and wellbeing have been identified by the nominator. There was no substantial evidence of the land being used to the benefit of the community particularly concerning frequency/regularity or attendance at events. Overall, there was not enough detail or evidence provided to show that community use was a non-ancillary use of the nominated site. Additional information could have included details of length of time uses have been taking place for, evidence from local groups (membership, frequency of use etc.).

4.26 ***Based on the information available it is therefore reasonable to determine that there is not an actual current use of the building or land that is not an ancillary use that furthers the social wellbeing or social interests of the local community.***

(b) CONDITION TWO It is realistic to think that there can continue to be a non-ancillary use of the building or land which will further the social wellbeing or social interests of the local community, although the use does not have to be the same.

4.27 This condition requires the realistic assessment that there can continue to be non-ancillary use of the building or land which will further (whether or not in the same way) the social wellbeing or social interests of the local community. In the case of the Land between No. 8 Derwent Avenue and Railway line, Low Hutton, Huttons Ambo it was not possible to determine that there was an actual current use of the building or land that is not an ancillary use that furthers the social wellbeing or social interests of the local community, however the nomination identified other potential uses and these will be considered.

4.28 In terms of other potential uses the following information has been considered:

- At the time of the assessment, the nominated site was not owned by the Parish Council or being marketed for sale.
- The nominated site has been used by the parish residents of Huttons Ambo, for many previous years.
- Huttons Ambo Parish Council (HAPC) stated that they “wish this land to continue to be used for recreational, social and community activities.”
- HAPC included information in their nomination about future plans (should they acquire the land):
 - HAPC stated they have two objectives for the nominated land, to provide a park and off-street carparking and “Acquiring the land would provide the Parish Council a space to achieve both these objectives and formalise the space for these activities”
 - Parishioners have requested to create a formal play area for use by children and installation of benches to provide seating and encourage greater use (the application noted that the nearest play areas are a number of miles away, either in Malton and Westow, neither of which are accessible by foot or convenient for the children of the village)
 - The land can be used for much needed off-street parking for events held at the village hall, the nomination states “there is also a significant need for off-street parking for events held at the village hall.”
 - New fencing around the boundary of the land to allow for safe recreation at all times of the year.
 - HAPC would also install a stile or kissing-gate in this fence allowing any walkers to continue their current access across the land.
 - There are funds held by HAPC, which were issued as part of the infrastructure levy on a development within the Parish, which were available to start the works needed to create the play area and parking.

4.29 Overall, the nominated site has likely been used by parish residents for many years. HAPC noted plans that were dependent on acquiring the land, to create a park and

provide off-street parking, formalising the space for activities, providing facilities that were not currently available locally and noted that they held funds that could be used to progress this.

4.30 There were no current planning applications on the property. The Planning Team had the following comments to make on the property being designated as an Asset of Community Value:

- The parcel of land is a field used principally for grazing animals.
- The lawful use of the land has not been formally established by a Certificate of Lawful Use Development.
- There is no planning history such as an application for a play area/equipment
- The planning team confirmed it is a parcel of land which has in the past been submitted for consideration for inclusion housing.

4.31 Assessment of condition one determined that there was there was not enough detail or evidence provided to show that community use was a non-ancillary use of the nominated site. When thinking about potential other uses, the application provided suggestions for potential community uses that were based on two objectives of, providing a play area and off-street parking, and there were funds available in order to progress these. The nomination also noted that these were “much-needed” with no other options available locally, and this was confirmed through a site visit. Consultation with internal services noted that in order to implement any of these plans relevant permissions and licenses would need to be applied for and granted, and at present HAPC did not lease, own or manage the land.

4.32 In summary no actual current use was evidenced relating to condition one and, although there has been consideration of potential future uses linked to the “whether or not in the same way” element of the condition it is not possible to determine that a use that was not evidenced could continue.

4.33 ***Based on the information available it is not realistic to think that there can continue to be a non-ancillary use of the building or land which will further the social wellbeing or social interests of the local community, although the use does not have to be the same.***

d) Conclusion

4.34 The aim of Part 5 Chapter 3 of the Localism Act and the Assets of Community Value Regulations is to encourage community-focused, local-led action to save and take over assets which are significant to them. The scheme is intended to give communities the opportunity to identify assets of community value and have them listed and, when they are put up for sale, have more time to raise finance and prepare a bid for them. These assets could include the village shop, community centre or pub but assessment is based on the evidence submitted and it is for the local authority to determine each nomination.

4.35 A valid nomination to register the Land between No. 8 Derwent Avenue and Railway line, Low Hutton, Huttons Ambo as an Asset of Community Value was received for assessment. The assessment is whether the details within the nomination, together

with any additional information received, fail to satisfy the two criteria as detailed in the Localism Act 2011(Section 88 (1)) see below:

Condition one - *There is an actual current use of the building or land that is not an ancillary use furthers the social wellbeing or social interests of the local community (See paragraphs 4.11-4.26).*

The information provided demonstrates some infrequent and annual usages of the nominated site that further the social interests and further the social wellbeing or social interests of the local community, that is defined as the two villages of High Hutton and Low Hutton, plus Musley Bank and a small portion of Malton's York Road Industrial Estate. Overall there was there was not enough detail or evidence provided to show that community use was a non-ancillary use of the nominated site. ***This Condition is therefore not met.***

Condition Two - *It is realistic to think that there can continue to be a non-ancillary use of the building or land which will further the social wellbeing or social interests of the local community, although the use does not have to be the same (See paragraphs 4.27-4.33)*

No actual current use was evidenced relating to condition one and, although there has been consideration of potential future uses linked to the "whether or not in the same way" element of the condition it is not possible to determine that a use that was not evidenced could continue. ***This Condition is therefore not met.***

4.36 The evidence demonstrates that the nomination does not meet the definition of community value as detailed in the Localism Act 2011. It is therefore recommended that Land between No. 8 Derwent Avenue and Railway line, Low Hutton, Huttons Ambo is not listed as an Asset of Community Value and is placed on the North Yorkshire Council List of Unsuccessful Nominations.

4.37 The Council must keep the list under review and remove assets as soon as practicable considering any circumstances that may change the opinion that land/property listed is of community value.

5.0 CONSULTATION UNDERTAKEN AND RESPONSES

5.1 The following consultations were undertaken:

I. Environmental Protection

Team has been consulted, on 12 December 2024, no response had been received.

II. Community Safety/CCTV

Team has been consulted, they confirmed that there was no recorded community safety concerns for the site.

III. Planning team

Planning Services had the following objections/comments to make on the land being designated as an Asset of Community Value:

- The parcel of land is a field used principally for grazing animals. The lawful use of the land has not been formally established by a Certificate of Lawful Use Development.
- It is a parcel of land which has in the past been submitted for consideration for inclusion housing.
- There is no planning history such as an application for a play area/equipment.

IV. Property team

The Property team were consulted and confirmed the following:

- There was an agreement made for a grazing license for a period of 12months starting April 2008.
- “It appears that the land is used for grazing and not community use, it is fenced off and gated, I would therefore like to challenge the evidence for community use.”

V. Food and Health & Safety

The Food and Health & Safety team were consulted and had the following comment “I inform that we hold no information on the site in question. I would, however, inform that Parish Councils have a duty of care for any facilities they own and manage. Play provision is governed by the Health and Safety at Work Act 1974 and the Occupiers Liability Acts of 1957 and 1984. There is a duty under Sections 3 and 4 of the Health and Safety at Work Act 1974 to ensure the health and safety of users (employees, contractors, and the public), so far as is reasonably practicable. The Health and Safety Executive look for a systems approach to safety and for playgrounds to meet relevant standards or guidance. The HSE guidance note EN1176 (HSE Entertainment Information Sheet 11) provides a useful source of information on play areas.”

VI. Local Land Charges Register

A search for local land charges was undertaken and there were 0 results.

VII. Localities team

The Localities team were consulted and had the following comment “Creating a play park and additional parking for the Parish Council sounds like a good use of space and would benefit the village community. It also means that maintenance of the area will be managed and stop any fly tipping etc”

VIII. Licensing team

The Licensing team were consulted and had the following comment “From our perspective, should the site be used for regulated activities under the licensing act we would be consulted at that time as to whether we have any concerns about noise etc. The operators would also probably require Temporary Event Notices (TEN’s) from licensing and again we would be consulted at that point before any event takes place”

IX. Local Councillor

The Local Councillor was notified of the nomination, no comments on the nominated asset were received.

X. Interested Party

Attempts were made to contact the previous license holder, however no comments were received.

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 None. Not to consider the nomination for the Land at Huttons Ambo would not fulfil the Council's responsibilities required by the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012.

7.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 7.1 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.

8.0 FINANCIAL IMPLICATIONS

- 8.1 If the decision is to list the property, the owner can make a claim for compensation for which the Council is liable.

9.0 LEGAL IMPLICATIONS

- 9.1 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.

- 9.2 If the property/land is listed and the owner/leaseholder wishes to dispose of it, they 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).

- 9.3 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).

10.0 EQUALITIES IMPLICATIONS

- 10.1 There are no equalities implications

11.0 CLIMATE CHANGE IMPLICATIONS

11.1 There are no climate change implications

12.0 CONCLUSIONS

12.1 The owner and other parties will be informed of the decision. 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. If unsuccessful, all parties will be advised of the outcome of the decision and the Council's reasoning for it.

13.0 REASONS FOR RECOMMENDATIONS

13.1 The evidence demonstrates that the nomination for the Land at Huttons Ambo does not meet the definition of community value as detailed in the Localism Act 2011.

14.0 RECOMMENDATION(S)

It is recommended that the Head of Localities:

- (iii) Determines that the nomination for the Land at Huttons Ambo is unsuccessful and does not meet the definition of community value as detailed in the Localism Act 2011
- (iv) It should be placed on the North Yorkshire Council Assets of Community Value List of Unsuccessful Nominations

APPENDICES:

Appendix A – Nomination Form and Site Plan

BACKGROUND DOCUMENTS:

Localism Act 2011

The Assets of Community Value Regulations (England) 2012

Community Right to Bid: Non-statutory advice note for local authorities

Report to Head of Localities

County Hall
Northallerton
3 February 2025

Report Author – assetsofcommunityvalue.NYC@northyorks.gov.uk

Presenter of Report – assetsofcommunityvalue.NYC@northyorks.gov.uk

Website/references:

<https://www.legislation.gov.uk/ukpga/2011/20/contents>

<https://www.legislation.gov.uk/uksi/2012/2421/regulation/5/made>

<https://huttons-ambo.parish.uk/>

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	Huttons Ambo Parish Council
Organisation postal address	2 Club Cottages, Low Hutton, Huttons Ambo, York, YO60 7HF
Organisation website	www.Huttonsambo.com
Named contact for the organisation	██████████
Position of named contact within the organisation	Huttons Ambo Parish Council Clerk
Telephone number for named contact	██████████
Email address for named contact	huttonsamboparishclerk@gmail.com

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>	X	
<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>		

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
<p>I am writing on behalf of Huttons Ambo Parish Council. I am the Clerk of the Parish Council.</p> <p>The land referred to falls wholly within the parish boundary.</p> <p>Huttons Ambo Parish Council (HAPC) is the lowest tier of Council covering the parish of Huttons Ambo. The parish is situated immediately to the west of Malton and covers the two villages of High Hutton and Low Hutton, plus Musley Bank and a small portion of Malton's York Road Industrial Estate. There are approximately 120 properties within the parish boundary.</p> <p>All of the activities of Huttons Ambo Parish Council are within the Parish boundaries, which are within the North Yorkshire boundary. These activities include management of village issues such as grass cutting, maintenance of trees on community land and acting as a consultee for planning applications within the Parish.</p>

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)	Land between No. 8 Derwent Avenue and Railway line, Low Hutton, Huttons Ambo
Name of the premises	Land between No. 8 Derwent Avenue and Railway line, Low Hutton, Huttons Ambo – NYK277943
Address of the premises	Land between No. 8 Derwent Avenue and Railway line, Low Hutton, Huttons Ambo – NYK277943

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	Formerly Ryedale DC, but now transferred to North Yorkshire Council
Address of the owner	Legal & Democratic Services, North Yorkshire Council County Hall, Racecourse Lane, Northallerton
Contact details for the owner	Legal & Democratic Services, North Yorkshire Council County Hall, Racecourse Lane, Northallerton
Name of any other occupier	Unknown
Name of any other person with an interest in the premises	Unknown
Address of any other person with an interest in the premises	Unknown
Contact details for any other person with an interest in the premises	Unknown

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 land in question is a square-ish area of flat grassland adjoining the dedicated parking area and garages associated with the row of social housing in Low Hutton on Derwent Avenue. These social homes, numbering 8 properties in total, are in an arc-shaped strip, following the road which leads towards the Malton to York railway line. There are garages on a concrete pad next to No.8 Derwent Avenue and the flat land is located next to the garages, extending the arc of land towards the railway. At the railway-end of the land is a densely wooded area to help screen the trees and prevent unauthorized access to the tracks.

Within the living memory of two current members of the Parish Council [REDACTED] the land in question has always been, and still is, being used by local children living in Derwent Avenue and other properties in Low Hutton as a play area. Huttons Ambo is a farming village and the land is one of the few flat areas of grass in the Parish not used for arable crops. It is therefore used by children of the village as a safe play area for them to play ball games such as football, cricket and rounders, that was not too far from home. It has also been regularly used as the location for family picnics in good weather and for bonfires and fireworks in November.

The land is used by a significant number of people on a daily basis as an extension to the public footpath which goes behind the properties on The Green. Instead of emerging between The Sycamores and Rose Cottage, there is a well-worn path crossing the land and finishing at a gate next to the concrete pad by the garages. This path, whilst not being part of the definitive map register of PROWs, is walked by a significant number of people every day and has been used for as long as can be remembered by any current resident of the village.

Until recently, there was a low wooden fence which surrounded the land on all sides, adjoining the concrete base of the garages and parking area. A section of fence has recently (within the last 5-ish years) been removed. This is because one of the local tenant farmers agreed to maintain the grass cutting on the land in question, in exchange for increasing the land available to graze cows. Behind the arc of land, backing onto the houses on Derwent Avenue and those on The Green, is a sloping field owned by Huttons Ambo Estates. The opening in the fence was made to increase the size of grazing, by adding the area of the flat land. This land has been rented out intermittently by the farmer for 2 to 3 months per year, mainly over the summer. Outside of these times the land is being used as described above by the children of Huttons Ambo and their parents for pleasure and play.

The land is therefore an asset to both the villagers in Huttons Ambo for their recreational use and those who come from outside to walk the footpaths in the village. We do not wish to lose this vital area of communal land and want it to remain a safe area that children and their families can use in the future.

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 land is at the end of a row of social housing on Derwent Avenue. There are a number of families residing in these houses with pre-school and school age children. This area has been used as a play area for these children and their friends for over successive generations. Huttons Ambo Parish Council wish this land to continue to be used for recreational, social and community activities.

There have been requests by parishioners to create a formal play area for use by children. There is also a significant need for off-street parking for events held at the village hall. Acquiring the land would provide the Parish Council a space to achieve both these objectives and formalize the space for these activities. It would also mean the land, that has been used by generations of village children, their families and friends, will continue to be available for the purposes it has previously informally been used for.

If successful with this application Huttons Ambo Parish Council are initially intending to reinstate the fencing where it has been removed by the farmer. This would mean that the land would return to being available to be used for safe recreation at all times of year, rather than just when the cows are absent. HAPC would also install a stile or kissing-gate in this fence allowing any walkers to continue their current access across the land. The land would be segregated into two distinct areas for community use, a recreational play area and a car park. The play area would have picnic benches installed to provide seating and encourage greater use. The next steps would then be to consult with the village regarding the type of play equipment.

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?

Huttons Ambo Parish Council has actively been seeking land for community use as one or other of the following for a significant number of (at least 15+) years:

1. Parking for events held at the Huttons Ambo Village Hall

The village hall is located on a small plot with minimal outside space. There is approximately a 2 metre perimeter of land surrounding the hall. The front of the hall is adjoining Buck Lane, which is a narrow road on a bend and part of a bus route. Visitors to events held at the village hall, including the produce show, art group, Parish Council meetings and when used as a polling station, park on Buck Lane because there are few alternatives. This results in a row of parked cars which prevent free flow of traffic. This is not a safe arrangement for either pedestrians or road users and there have been a number of incidents and near-misses involving large vehicles.

2. Location of a play park for children in the village

The Parish Council have been actively looking to find a parcel of land which could be used to provide an officially designated play area for the children of Huttons Ambo. As mentioned above, there is minimal land surrounding the village hall, so it is not possible to have a play area attached to the village hall with the existing land available. The nearest play areas are a number of miles away, either in Malton or Westow, neither of which are accessible by foot or convenient for the children of the village. A play area has been requested by parishioners as part of a previous consultation exercise, but we have not been able to progress this due to a lack of suitable land. HAPC have had dialogue with the major landowner, Huttons Ambo Estates, on a number of occasions requesting to discuss and negotiate land to be used as a play area, but they have refused the request on each occasion.

If successful in acquiring this parcel of land, HAPC would seek to use the plot for community use by turning it into an official play area with facilities that could be managed within the parish and scope of the precept. Also to use it as the official parking area to be used for events at the village hall.

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?

There are funds held by HAPC, which were issued as part of the infrastructure levy on a development within the Parish, which are available to start the works needed to create the play area and parking.

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	X
A clear plan defining the land/premises being nominated	X

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

OFFICIAL

Harrogate Area	AssetsofCommunityValue.Harrogate@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.

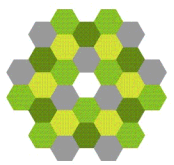
Appendix 1. For unincorporated groups and community interest groups

Please skip this section if you are a Parish Council

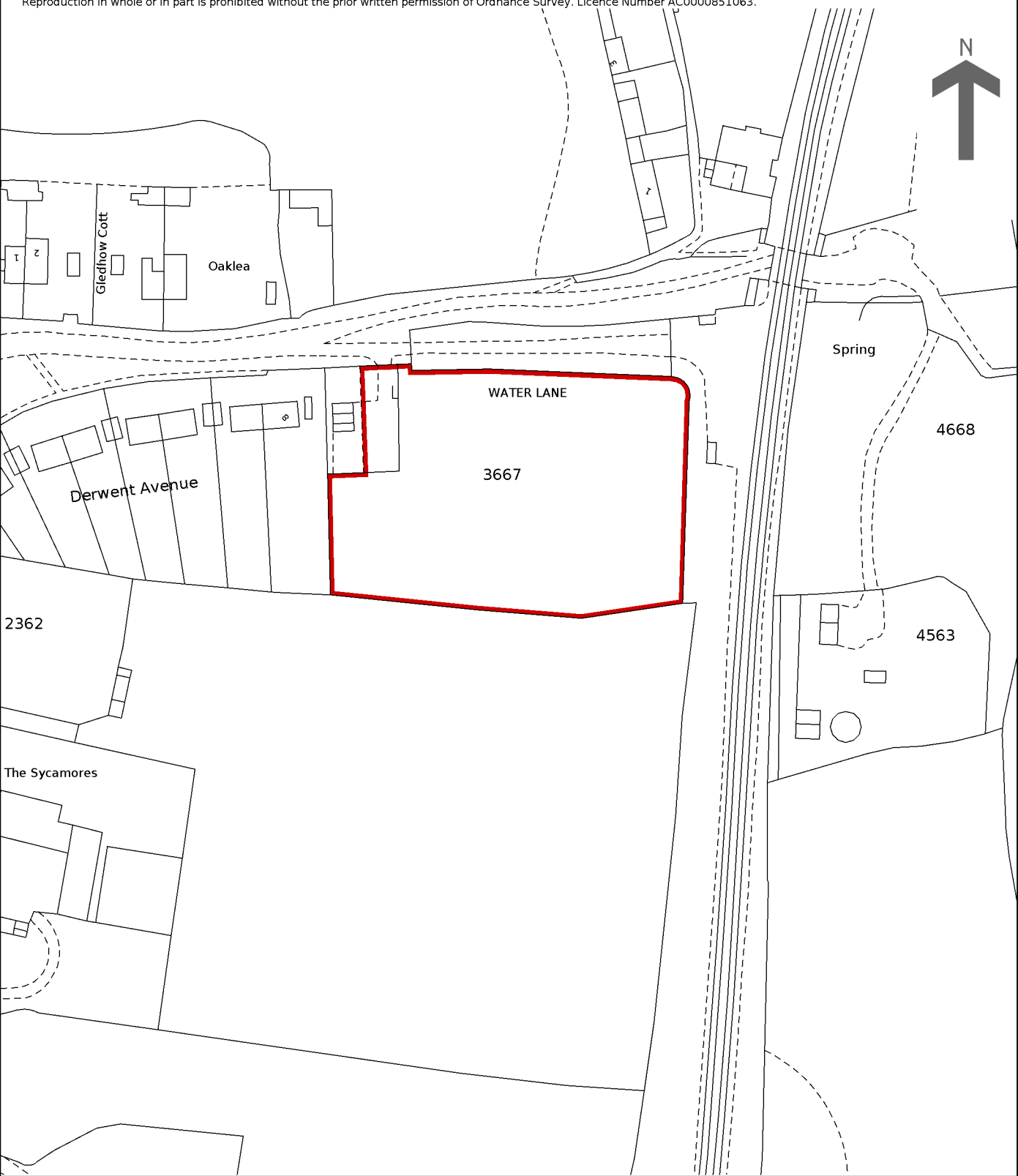
In the case of an unincorporated body, at least 21 of its individual members must be registered to vote locally in order to make an ACV nomination. Please confirm the names and addresses of these members with a signature. If they are registered to vote in the area of a neighbouring local authority, rather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

Member name	Member address	Signature

Member name	Member address	Signature



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