

North Yorkshire Council

8 July 2025

Assessment of Asset of Community Value Nomination *NYCACV0061 Three Hares Inn, Bilbrough, York, YO23 3PH*

Report to the Head of Localities

1. PURPOSE OF REPORT

- 1.1 To determine whether Three Hares Inn, Bilbrough, YO23 3PH should be placed on the Council's List of Assets of Community Value (ACV) under the Localism Act 2011, following a nomination from Bilbrough Parish Council, a qualifying nominator, validated on 15 May 2025.

2. SUMMARY

- 2.1 The nomination is for Three Hares Inn, Bilbrough. The recommendation is that the Head of Localities:
- (i) Determines that the nomination for Three Hares Inn, Bilbrough (NYCACV0061) 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. 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 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 Three Hares Inn, Bilbrough as required by the Act.

4. NOMINATION CONSIDERATION

a) Description of asset

- 4.1 The small village of Bilbrough has a population of 348, according to 2021 census data, and is around nine miles south-west of the city of York. It is close to the major A64 road which links Leeds, York and Scarborough.
- 4.2 The nomination is for Three Hares Inn, a public house, which sits in the centre of Bilbrough village. Bilbrough is a quiet village, the pub is located on the main street of the village, in the centre. At one end of the street is a church, and at the other end of the street is a village hall with a children's play area nearby. The main street of the village is mainly comprised of large, detached houses. The pub is a detached building with managers/owners accommodation on the first floor. There is an enclosed beer garden and carpark.
- 4.3 At the time of writing this report, the nominated site was on North Yorkshire Council's Register of Assets of Community Value. It was listed by Selby District Council (Reference 2020/0472/CAR) on 6 July 2020, with the listing due to expire on 5 July 2025.
- 4.4 Three Hares Inn is not currently open for business and is vacant. A search online indicated it was "temporarily closed". A lease for the pub is being marketed, with a to let sign on the building itself and an online listing.
- 4.5 It was confirmed through business rates information that the pub has been closed since 6 April 2023.

b) Nomination and Validation

- 4.6 The nomination to list Three Hares Inn, Bilbrough as an Asset of Community Value was received on 12 May 2025 and validated on 15 May 2025. A copy of the nomination form is attached at **APPENDIX A** and in accordance with the Assets of Community Value (England) Regulations 2012 a decision is required by 9 July 2025.
- 4.7 The nomination on behalf of Bilbrough 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.

- 4.8 It was established that the property was owned by Wellington Pub Company PLC (Company Registration Number 3406623). This was confirmed through a Land Registry search (Title Number NYK115484).
- 4.9 There were no current occupiers or management as the pub was vacant.
- 4.10 The nomination includes all the buildings (including owners/managers accommodation) and the carpark, and as such covers all the land within the Title NYK115484.

c) Site Visit

4.11 A site visit was undertaken on 22 May 2025, a weekday lunchtime, with the following observations made:

- The pub was closed and clearly vacant
- There was a large to let sign on the front of the building, this advertised “Free of Tie Public House, 3 Bed Accom, Car Park & Garden”
- The building looked in reasonable condition
- The main door was well secured and there were some “keep out” security signs in the windows which detracted from the appearance of the building
- It was not possible to assess the interior
- There was level access and an off-street carpark
- There was a notice board attached to the front of the building which was being used to display some information about the parish council and some local services
- The village itself was very quiet with not many people walking or driving through
- Around the village there were not many services, there was a church, a play area and a village hall
- The houses on Main Street were mainly large, detached houses
- The village hall appeared well used and was well maintained, it was available for hire and held regular public events

d) Owner Comments

- 4.12 The property owner, represented by Gosschalks LLP, objected to the nomination of Three Hares Inn as an ACV on the grounds that the property has been closed for over two years and has not served any community function during that time. They argue there is no evidence of recent use that benefited the community and no realistic prospect of it being brought back into such use within the next five years.
- 4.13 They also highlight that efforts to find a new tenant have failed, suggesting the pub is not commercially viable. Despite having had the opportunity, a community group has not made any offer or presented a plan to acquire or operate the property. The existence of alternative venues, such as the

village hall, were cited as evidence that the community has continued to function without the pub.

- 4.14 The objection stresses that being a pub does not automatically qualify a property as an ACV, and cites case law that supports the need for specific evidence of community value, which the owner argues is lacking. Claims about the pub's potential are described as speculative and unsupported by any practical proposals.
- 4.15 In summary, the owner maintains that the nomination does not meet the legal criteria for listing and appears to be an attempt to block redevelopment rather than preserve a genuine community asset.

e) Community Value Consideration

- 4.16 In terms of making a decision on this matter, the nomination, together with any additional information 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).
- 4.17 Section 88(1): "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."
- 4.14 Section 88(2): "A building or other land in a local authority's area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—
- a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
 - b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
- 4.15 There are many examples of pubs having community use and assets have been listed on this basis by local authorities. Each nomination is, however, 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.

4.16 There is no current actual use of the nominated land/property as it has been closed for a period of over two years. This means Section 88(1) cannot be satisfied and the assessment process will therefore focus on whether the two conditions in Section 88(2) have been met.

5 CONSULTATION UNDERTAKEN AND RESPONSES

5.1 The following consultees were notified of the nomination:

- NYC Planning
- Local Land Charges
- NYC Environmental Protection
- NYC Community Safety and CCTV
- NYC Food, Farming and Health & Safety
- NYC Licensing
- NYC Localities
- NYC Revenues and Benefits
- Local Councillor

NYC PLANNING

5.2 The NYC Planning service were consulted and made the following comments:

Planning history

ZG2024/0800/FUL – change of use from sui generis to residential including internal and external alterations and creation of new parking area – Refused 16.10.2024 and dismissed on appeal reference APP/U2750/W/25/3358695 on 15.04.2025.

CO/1983/1289 (8/84/29A/PA) – change of use from former blacksmiths shop to dining area, erection of new kitchen and extension of car park – Granted 14.09.1983

No further planning history in relation to the use has been identified. Upon review of the planning history, it is noted that the lawful use of the building is public house which falls within sui generis use class and given that the most recent application ZG2024/0800/FUL was refused and dismissed on appeal, this remains the case for the foreseeable future.

It is also noted that the Inn was nominated by Billbrough Parish Council and designated as an Asset of Community Value (ACV) on 6 July 2020 and that its listing will expire on 6 July 2025.

Planning policy

It appears from the submission that the Parish Council is in the process of application for a community right to bid in order to have an opportunity to have a better chance to raise finance, develop a business and to make a bid

to buy the pub on the open market in order to re-open the pub and potentially introduce additional facilities to be used by the community and visitors.

It is noted that the site is located within the development limits of Bilbrough and planning policy SP13 B (1) of the Selby District Core Strategy supports the more efficient use of existing employment sites and premises within defined Development Limits through modernisation of existing premises, expansion, redevelopment, re-use, and intensification with policy SP14 A supporting local shops and services, including village shops and services, by resisting the loss of existing facilities and promoting the establishment of new facilities to serve the day-to-day needs of existing communities and the planned growth of communities.

Conclusion

On the basis of the above, it is therefore concluded that there are no objections to the community bid so far as planning matters are concerned.

LOCAL LAND CHARGES

5.3 A search for Local Land Charges was undertaken. There were four local land charges relating to the nominated site:

- The current ACV designation registered in July 2020
- Two planning consents for alterations to the public house from 1983 and 1985
- The Bilbrough conservation area

NYC ENVIRONMENTAL PROTECTION

5.4 The Environmental Protection service were consulted, and no comments were received.

NYC COMMUNITY SAFETY AND CCTV

5.5 The Community Safety and CCTV service were consulted, and no comments were received.

NYC FOOD, FARMING AND HEALTH & SAFETY

5.6 The Food, Farming and Health & Safety service were consulted, and no comments were received.

NYC LICENSING

5.7 The Licensing service were consulted and made the following comments:

- The licence number is LN/000003179, The licence holder is Wellington Pub Company, Millbank Tower, 21-24 Millbank, London, SW1P 4QP

- The licensable activities on the license were for the performance of dance, live music and recorded music
- There is no Designated Premises Supervisor (DPS) on the licence so the sale of alcohol cannot take place
- No DPS, 'no sale of alcohol' came into effect from 11.04.2023
- To add a DPS would require a DPS variation application, a consent form and a fee of £23.00
- Were a DPS in place the times would be Monday to Saturday 10.30 – 00.30 and Sunday 11.00 – 23.00 hours

NYC LOCALITIES TEAM

5.8 The Localities service was consulted and provided the following feedback about the nomination:

- The community is relatively small but demonstrates strong local engagement. The village hall in Bilbrough is well-utilised and has recently benefited from improvements funded through the UK Shared Prosperity Fund (UKSPF). It is managed by a competent and active committee, indicating that the community possesses the capacity to oversee buildings and deliver projects effectively. While operating a community-owned pub would represent a significant undertaking, similar initiatives have been successfully implemented elsewhere. With the right combination of time, skills, and expertise among local residents, such a project is achievable. Should the community pursue this path, appropriate advice and guidance is available to support them through the process.

5.9 It is noted that the site is currently designated as an Asset of Community Value, with the listing set to expire on 6 July 2025, following its five-year term. As there is no mechanism to extend an active listing or to determine a nomination while the site remains listed, and given that a decision on the new nomination is scheduled for 8 July 2025, the timing allows for compliant consideration of the nomination.

NYC REVENUES AND BENEFITS

5.10 The business rates team advised that according to their records, the Three Hares Inn ceased trading on 05 April 2023.

LOCAL COUNCILLOR

5.11 The Local Councillor was consulted, and no comments were received.

6 ASSESSMENT INFORMATION

6.1 In assessing the community value of Three Hares Inn, Bilbrough all information received has been considered. Consideration is based on the criteria listed at paragraph 4.14. There is no current actual use of the nominated property as it has been closed for a period of two years and three

months. The assessment process is therefore to determine if the two conditions in Section 88(2) have been met.

CONDITION ONE Section 88(2) - There is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community.

1. Recent Past

- 6.2 In order to be listed the nomination must demonstrate that there is a time in the recent past when an actual use of the nominated asset furthered the social wellbeing or interests of the local community. There is no statutory definition or guidance regarding the term 'recent past' and it is deliberately loose regarding the specific five-year timescale in the second condition. The official guidance is that 'if there have been uses of the land for purposes such as use by the Ministry of Defence for live ammunition practice the period could be ten to twenty years.' Some authorities have set their own timescales including three or five-year periods preceding nominations. It seems clear that no fixed timeframe definitively defines the 'recent past'; it is for each authority to interpret and determine.
- 6.3 When considering the closure of public houses, periods of six years (River Arms in Cheeseborne), five years (the Kings Head in Diss) and five and a half years (the Cricketers Rest in Norwich) have been considered to be outside the recent past. There are some also examples where the recent past has been in excess of six years, in **Hawthorn Leisure v Chiltern DC** the Kings Head in Great Missenden had been a pub since the nineteenth century and the unchallenged evidence of the publicans from 2000 to 2007 established that during that period the pub qualified as an ACV. Judge Lane held that given the long history of the Kings Head as a pub the use during that period ending in 2007 occurred in the recent past, this period ended over seven years before the nomination. It appears that what constitutes the recent past is determined based on the circumstances of each nomination.
- 6.4 In **Crostone v Amber Valley** Judge Lane stated that the assessment of recent past will depend on all the circumstances in a particular case and that "the expression is a relative concept". He stated that regard for the length of time the Black Swan had been a public house was relevant (the period was nearly two hundred years). The implication is that the longer the period of use furthering a community benefit, the longer the period which will constitute the recent past.
- 6.5 In **Worthy Developments v Forest of Dean DC**, the judge stated that when considering 'recent past' it could not have been intended to import the five-year period from the future condition when Parliament had failed to set out a precise period for the condition.
- 6.6 There is also no equivalent consideration of 'recent past' in planning determination and therefore there is no appropriate comparable evidence as part of any Planning Application decisions.

6.7 North Yorkshire Council has not determined a specific timescale to apply when considering the recent past and each nomination is assessed individually. As stated previously there is no agreed criteria for 'recent past' determination, however, there are a number of relevant factors that could be taken into account when determining what constitutes the recent past and these are listed below. Assessments of these factors are appropriate for the nomination for Three Hares Inn, Billbrough so that the facts can be established:

- (1).The length of the period of community use of the nominated asset in the past
- (2).The type of asset involved
- (3).The nature of the community use of the nominated asset
- (4).The degree of connection between the asset and the community
- (5).Whether the asset has been out of use for a period prior to the nomination.

(1).The length of the period of community use of the nominated asset in the past

6.8 The nomination form included the following relevant information:

- The nomination states that Three Hares Inn has served as the village's social hub for over two centuries
- The planning history shows planning consents linked to its use as a public house in the 1980s
- It was actively used by the community up until March/April 2023, when it closed following the tenant's departure
- During the Covid pandemic, it adapted by offering takeaway services and resumed full operations as restrictions lifted

6.9 Although there is a statement in the nomination that the pub has been open for two centuries there was no information or evidence that supported this. Overall, while the nomination claims a long history of community use, the lack of supporting evidence limits the weight that can be given to this assertion.

(2). The type of asset involved – Public House

6.10 The nominated asset is a public house as confirmed by comments from Planning "it is noted that the lawful use of the building is public house which falls within sui generis use class and given that the most recent application ZG2024/0800/FUL was refused and dismissed on appeal, this remains the case for the foreseeable future."

6.11 The fact that a nominated asset is a public house does not in itself satisfy the community use criteria. In order to be listed as an ACV, the property must be actually used, or have been used in the recent past, for an activity furthering the social wellbeing or interests of the local community. There is a view that pubs are social settings in themselves and are places where people go to

drink and socialise, conversely there are issues around the detrimental health and social impacts of alcohol. These factors are considered in the context of each individual pub nomination, and it is the consideration of a number of factors identified in the report that fulfil the assessment of community use.

6.12 Although the asset is a public house, its designation alone does not confirm community value without evidence of recent or ongoing use that furthers social interests/wellbeing.

(3). The nature of the community use of the nominated asset

6.13 This assessment takes into account the uses identified in the nomination as community use, these are also considered in the following section regarding ancillary use. The nomination identified the following:

- The pub served as a central social venue for the village, supporting both food and drink sales
- It was a place for social interaction, community gatherings, and informal support networks
- During the pandemic, it adapted to community needs by offering takeaway food services
- The community has shown a strong desire to revive the pub, including forming a group ("Friends of The Three Hares") and engaging with local political representatives

6.14 The information provided in the nomination was not very detailed and could be considered generic uses associated with any village public house facility; these uses are also considered in section 2.

6.15 The pub is currently listed as an ACV and due to expire in July 2025. A previous ACV listing does not automatically influence a new nomination because each application is assessed independently based on current circumstances.

6.16 The property owner of The Three Hares Inn argues that the site should not be listed as an Asset of Community Value because it has been closed for over two years, has no recent or current community use, and lacks realistic prospects of future use that would benefit the community. They claim the pub is commercially unviable, with no tenant interest despite efforts, and that the community group has neither made an offer nor presented a viable plan to take it on. Alternative venues, like the village hall, already serve community needs, additionally, the nomination is seen as an attempt to block redevelopment rather than preserve a genuine community asset.

6.17 The nomination outlines general pub-related activities but lacks detailed or unique evidence to demonstrate significant community use beyond typical expectations.

(4). The degree of connection between the asset and the community

6.18 The nomination form included the following relevant information:

- The pub is described as the “social heart of the village”
- There were 80 objections and zero messages of support for a proposed change of use planning application to residential, showing community support for its retention as a pub
- People in the community had demonstrated willingness to volunteer time and effort to help reopen it
- Newer residents have expressed regret at not experiencing the pub, indicating its cultural and social significance

6.19 There was some information provided about links with the local community and the information is consistent with a village public house, additionally there were no other public houses in the village of Bilbrough. There was no information or evidence provided about specific events, activities or local groups that historically used the venue, and there were no statements in support of the nomination from residents, businesses or other local organisations. The number of objections to the planning change of use application was the main basis for inferring a connection between the pub and the community.

6.20 Comments from the owner (paragraphs 4.12-4.15 and 6.16) indicate a limited connection between the asset and the local community. In particular noting that the pub has been closed for over two years and a community group has neither made an offer nor presented a viable plan to take it on.

6.21 Community opposition to redevelopment suggests a degree of connection, but the absence of specific information about local groups using the site, statements from the local community or active engagement limits the strength of this link.

(5). Whether the asset has been out of use for a period prior to the nomination

6.22 The nomination identifies that the pub has been closed since March 2023, this was confirmed through internal consultations with NYC Licensing and Revenues and Benefits, as business rates and licensing data confirmed the business was not operating from April 2023. The nominated asset has therefore been out of use for a period of two years and three months.

6.23 The property has been, and still is, advertised to let. The lease being advertised is for a 20-year period and as such has not triggered the moratorium periods for the existing ACV.

6.24 The asset has been out of use since March/April 2023, and while it remains advertised to let, there is no indication of imminent reactivation or community-led plans.

Recent past conclusion

- 6.25 The Three Hares Inn has a long-standing presence in the village, with claims of over two centuries of community use, though this is not substantiated by detailed evidence. As a public house, it falls within the sui generis use class, but its classification alone does not confirm its value to the community without clear, recent use that furthers social wellbeing or social interests.
- 6.26 The nomination outlines general pub-related activities such as social gatherings and takeaway services during the pandemic, yet lacks specific, detailed examples of unique community engagement. While there is some indication of community connection, this focussed on objections to a change of use, and some expressions of interest in reviving the pub and there was limited concrete evidence of sustained or organised community involvement. The asset has been closed since April 2023 for a period of two years and three months and, despite being advertised to let, there is no clear indication of work undertaken to develop a viable plan by the local community to return it to use.
- 6.27 Taken together, these factors do not support a finding that the asset meets the threshold for recent past community use. ***Therefore, it is reasonable to conclude that, in these circumstances and due to the reasons above, that the period of closure of two years and three months is not within the recent past and this criteria is not met.***

2. Actual use that is not an ancillary use

- 6.28 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**, and the test is whether the use is significant, but does not require it to be the predominant use.
- 6.29 Information in the nomination about actual uses did not extend beyond eating, drinking and socialising (see paragraph 6.13). There was no information, evidence or statements provided by or about groups using the pub before it closed in April 2023, or particular functions, events or activities that used to take place there.
- 6.30 No evidence was provided about actual uses that were not ancillary to that of use as a public house, with no information about types, frequency, regularity of use or numbers of attendees. ***There is insufficient information provided to demonstrate actual use that is non-ancillary and therefore this criteria is not met.***

3. Furthering the social wellbeing or social interests

- 6.31 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. The nomination identified some limited relevant uses as detailed in previous sections (paragraphs 6.13 and 6.29).
- 6.32 More detail about the specific references include:
- "The Three Hares is the social heart of the village and enjoyed strong local support for both food and wet sales right up until its last day of trading"
 - "there are also precious few alternatives for eating, drinking and social interaction in the area - and none within reasonable walking distance"
 - "At this time [Covid pandemic], the tenant landlady provided a takeaway food service and, as restrictions were gradually lifted, the pub resumed its status as the village's social hub"
 - "A recent (unsuccessful) attempt by the owner to end its use as a pub and redevelop it for residential use has merely underlined its value to the local community" – there were 80 individual objections and zero messages of support
 - There was an immediate response from the community when the owner initiated a change of use planning application (to residential) in August 2024, this included a public meeting, the establishment of the informal 'Friends of The Three Hares' group who had a meeting with the local MP and secured local volunteers to support any potential new tenants with reopening the pub
- 6.33 The provision of takeaway food during the pandemic highlights the pub's adaptive role in maintaining a service during a period of national isolation. Its return to being a "social hub" reinforces its function as a venue for socialising, even under constrained circumstances.
- 6.34 The volume and unanimity of objections to the planning change of use application reflect a strong attachment to the pub. This suggests that the community regards it as a familiar and valued local venue, that could play an important role in supporting social interaction and contributing to a shared sense of place.
- 6.35 The community response to the planning application (e.g., formation of an informal group, MP engagement and offers of volunteers) demonstrates a willingness to mobilise and support reopening efforts indicating ongoing social relevance. Although there were no statements in support of the nomination or detailed evidence of numbers or activities that had been undertaken or were planned.
- 6.36 The reference to the pub being the "social heart" of the village suggests it is important for community interactions, but evidence was not provided to

support this by the nominating group. The lack of alternative options for eating, drinking, and socialising underscore the significance of the pub to the local community. There was no indication that the pub was used for specific sporting, cultural or recreational events. There was no other information provided by consultees or through research, including a site visit that demonstrated uses that furthered social interests, although it is noted that this could be challenging to provide given the venue had been closed for over two years.

- 6.37 It is recognised in the ACV regime that “social interests” includes, in particular, cultural, recreational and sporting interests. The nomination identifies limited examples of social interest uses, and nothing beyond those typical of a pub (e.g., informal socialising, eating and drinking). The nomination notes that it was an important social venue but, other than it being the only pub/hospitality venue locally, lacks evidence to support this. ***There is insufficient evidence that uses further the social wellbeing or social interests of the local community and this criteria is therefore not met.***

4. Of the local community

- 6.38 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.
- 6.39 In terms of local community there are some references in the nomination including:
- The nomination is from the local parish council
 - It is the village’s social hub and social heart of the village
- 6.40 There are several references to in the nomination to the village. The site visit confirmed Bilbrough was a small, quiet village with limited services. There was no other public house, or permanent hospitality venue that could facilitate informal socialising, eating and drinking. There was a church, a village hall and a children’s play area with an area of public open space. The village hall appeared to be well-used, it was available to hire, and the nominating group confirmed it was regularly used by community groups and local organisations for events and activities. Although, in a discussion with the nominating group, it was noted that this was fundamentally different to a pub setting and there was no other options for this locally. There were noticeboards in the village advertising a ‘pop-up’ food truck and bar, the poster was current and was advertising a bar with food to be available on a Sunday afternoon/evening in May 2025.
- 6.41 The nomination form did not include specific reference to any local organisations who used the pub as a meeting place. A discussion with the nominating group noted that whilst no evidence was available, local organisations or groups may have used the pub in the past.

- 6.42 ***It is reasonable to determine that the identification of the local community required by the legislation from the nomination and information available is the village of Bilbrough. There was no other pub in the village but there was an active village hall that supported community activities.***

Section 88(2) CONDITION ONE - CONCLUSION

- 6.43 Condition One requires that there is a time in the recent past when an actual use of the building or land, that was not ancillary, furthered the social wellbeing or interests of the local community. The conclusion is based on the assessment of each component of this condition.
- 6.44 The Three Hares Inn, despite its historical presence, lacks sufficient evidence of historic and recent community use, or meaningful engagement to bring it back into operation. The limited response from the community since its closure over two years ago suggests the element of the criteria relating to the recent past is not met.
- 6.45 The nomination did not provide sufficient evidence of specific uses beyond general pub functions such as eating, drinking, and informal socialising. No information was provided regarding local organisations, user groups, or specific event and no details on frequency, regularity, or attendance were provided that would be necessary to demonstrate a significant non-ancillary use. Therefore, the actual use that is not an ancillary use element of the criteria is not met.
- 6.46 While the nomination referenced the pub as the “social heart” of the village and noted community responses to a change of use planning application, it lacked detailed evidence of cultural, recreational, or sporting activities. The number of objections to the planning change of use application was the main basis for inferring a connection between the pub and the community. It is likely that the local community of Bilbrough values the nominated site, and it is likely that some general uses associated with public houses could further social interests. However, the examples provided were not detailed or supported by evidence such as statements or data from local people or groups or people. As such, the furthering the social wellbeing or social interests element of the criteria is not met.
- 6.47 The nomination identifies the local community as the village of Bilbrough. There is no other public house in the village, and while the village hall provides a community function, it is acknowledged to be a different type of venue to that of a pub. The local community element could therefore be met.
- 6.48 Overall, while the nomination satisfies the criteria relating the identification of the local community, it does not provide sufficient evidence to demonstrate that the asset was used in the recent past in a non-ancillary way that furthered the social wellbeing or interests of the local community of Bilbrough village. **Based on the information available it is therefore reasonable to**

determine that there is not a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community. Therefore, Condition One is not met.

CONDITION TWO Section 88(2) - 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.

- 6.49 The test does not require the likely future use of the relevant building to be determined but rather to determine whether future community use is one of a number of realistic options for the building (**Patel v London Borough of Hackney and Worthy Developments v Forest of Dean DC**).
- 6.50 The test is also not whether such future use is wholly unrealistic but whether it is realistic to think that there could be a relevant non-ancillary use in the next five years (Judge Lane at Para. 26 in **General Conference of the New Church v Bristol CC** supra. 12 February 2015). In addition, “what is realistic may admit a number of possibilities none of which needs to be the most likely outcome” (**Evenden Estates v Brighton and Hove City Council**). It is common for nominations not to have a business plan put forward by those supporting the listing and judges have not regarded this as significant when considering whether future community use in the next five years is a realistic prospect.
- 6.51 It has been established that the threshold to satisfy the “realistic to think” test is low. The First Tier Tribunal in **King v Chiltern District Council** commented that “the test is not a demanding one. “Parliament has chosen to set the bar low”.
- 6.52 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. It is the assessment of whether the uses identified under Condition One, can realistically continue, that is required. In the case of Condition One for this nomination it was not possible to determine that there was an actual non-ancillary use of the building or land that had furthered the social wellbeing or social interests of the local community in the recent past, and it would therefore follow that, if no use was identified it cannot continue. However, the nomination and information available presented some factors related to future community uses and these will be considered.
- 6.53 In terms of future community use being one of a number of realistic options for the building, the following information has been considered:
- The nomination form stated that “it is clear that the community considers the pub to have great potential” – noting the pub had been popular with students and cyclists when it was open

- In response to the owner's submission of a change of use planning application to convert the premises to residential use in August 2024, the local community organised a public meeting, met with the local Member of Parliament, and secured volunteers to support prospective tenants interested in reopening the pub
- A commercial lease for the property is available and being marketed
- The consultation with NYC Planning confirmed there were no objections to the nomination so far as planning matters were concerned
- The consultation with NYC Communities indicated that the community has the capacity and experience to manage local projects, suggesting that running a community-owned pub could be achievable with the right support and expertise

- 6.54 It is acknowledged from the consultation with NYC Planning that, “the lawful use of the building remains as a public house, classified under the sui generis use class. As the most recent planning application for change of use to residential (Ref: ZG2024/0800/FUL) was refused and subsequently dismissed on appeal, this designation is expected to remain in place for the foreseeable future.”
- 6.55 The commercial lease has been available for over two years and continues to be advertised. At the time of preparing this report the terms of the lease were as follows:
- Leasehold
 - A new Free of Tie Lease is offered for a term of 20 years on Full Repairing & Insuring terms
 - Rent will be £30,000 per annum subject to 5 yearly rent reviews and RPI increases collared at 2.5% and capped at 5%
 - Six months rental deposit will be required
- 6.56 The 20-year term of the lease did not class as a relevant disposal in terms of the ACV legislation and therefore no moratoriums have been triggered linked to the site’s existing ACV status.
- 6.57 The successful operation of the pub by a new tenant, whether a community enterprise or a private leaseholder, is not dependent on ACV status.
- 6.58 From the nomination it came across that, the community views the pub as having strong commercial potential due to its advantageous location near York, local wedding venues, and popular cycling routes, combined with a lack of nearby alternatives for food, drink, and socialising. There was an understanding that the future success of the pub would depend on creative and inclusive management, that served both locals and visitors. There were no significant comments or evidence within the nomination about future non-ancillary community uses that would further social wellbeing and social interests of the local community.

- 6.59 The owners highlight that efforts to find a new tenant over a two year period have failed, suggesting the pub is not commercially viable.

Section 88(2) Condition Two - CONCLUSION

- 6.60 As Condition One was not satisfied due to insufficient evidence of non-ancillary community use in the recent past, Condition Two cannot be met. While the nomination suggests possible future uses, these do not override the failure to demonstrate past qualifying use.
- 6.61 Whilst the recommendation of this report is to not designate the pub as an ACV, this does not preclude the possibility of the pub reopening and operating in a way that provides value to both local residents and visitors. Information submitted by the nominating group identified the building's potential as a viable pub, supported by its location, capacity in the community, the identification of specific customer groups, and a commercial lease for the property continued to be available. However, the owners highlight that efforts to find a new tenant have failed, suggesting the pub is not commercially viable.
- 6.62 Although the statutory criteria under Section 88(2) were not met at this time, the premises could still be successfully brought back into use under suitable management. Additionally, there is the opportunity, in the future, for a new nomination of the site to be submitted that was supported with evidence of non-ancillary uses that furthered the social wellbeing or social interests of the local community.
- 6.63 In summary, **an actual use of the building in the recent past that is not an ancillary use furthers the social wellbeing or social interests of the local community was not identified under Condition One. It is not possible to determine that a use not identified can continue and therefore Condition Two is not met.**

CONSIDERATION OF EXISTING ASSET OF COMMUNITY VALUE STATUS

- 6.64 It is recognised that Three Hares Inn was listed as an ACV by Selby District Council in 2020, and this listing is due to expire on 6 July 2025 and the property will be removed from the ACV Register on that date. There is no provision to extend or renew an ACV listing and each nomination is considered individually based on the evidence and information available. Consideration of this nomination is therefore after the previous listing has expired.

Conclusion

- 6.65 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.

6.66 A valid nomination to register Three Hares Inn, Bilbrough 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, satisfy the criteria as detailed in the Localism Act 2011 Section 88 (2). See below:

6.67 Section 88(2): “A building or other land in a local authority’s area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—

a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and

(Condition One – see paragraphs 6.1-6.42)

b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

(Condition Two – see paragraphs 6.43-6.63)

Condition One

6.68 Overall, while the nomination satisfies the criteria relating to the identification of the local community, it does not provide sufficient evidence to demonstrate that the asset was used in the recent past in a non-ancillary way that furthered the social wellbeing or interests of the local community of Bilbrough village. ***Based on the information available it is therefore reasonable to determine that there is not a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community. Therefore, Condition One is not met.***

Condition Two

6.69 ***An actual use of the building in the recent past that is not an ancillary use furthers the social wellbeing or social interests of the local community was not identified under Condition One. It is not possible to determine that a use not identified can continue and therefore Condition Two is not met.***

- 6.70 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 Three Hares Inn, Bilbrough is not listed as an Asset of Community Value and it is placed on the North Yorkshire Council List of Unsuccessful Nominations.

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 None. In considering the nomination for Three Hares Inn, Bilbrough, the Council's responsibilities required by the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012, are discharged.

8. 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. FINANCIAL APPLICATIONS

- 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. LEGAL IMPLICATIONS

- 10.1 Following the decision, all parties will be advised of the outcome of the decision, and the council's reasoning for it.
- 10.2 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.
- 10.3 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).

10.4 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).

10.5 Where a nomination is unsuccessful, the nominated asset will be placed on the North Yorkshire Council Assets of Community Value List of Unsuccessful Nominations for a period of at least 5 years, together with reasons for not including the land.

11. EQUALITIES IMPLICATIONS

11.1 There are no equalities implications.

12. CLIMATE CHANGE IMPLICATIONS

12.1 There are no climate change implications.

13. CONCLUSIONS

13.1 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.

14. REASONS FOR RECOMMENDATIONS

14.1 The evidence demonstrates that the nomination for Three Hares Inn, Bilbrough does not meet the definition of community value as detailed in the Localism Act 2011.

15. ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

15.1 None. In considering the nomination for Three Hares, Bilbrough (NYCACV0061), the Council's responsibilities required by the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012, are discharged.

16. RECOMMENDATIONS

It is recommended that the Head of Localities:

- (i) Determines that the nomination for Three Hares Inn, Bilbrough (NYCACV0061) 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 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

Head of Localities

County Hall

Northallerton

8 July 2025

Report Author – Claire Wilson & Charlotte Large

Presenter of Report – Claire Wilson & Charlotte Large

Website/references:

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

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

<https://bilbrough.parish.uk/>

<https://bilbrough.org.uk/>

<https://www.fleurets.com/properties/n-325185/leasehold-pubs-to-let/three-hares-inn-bilbrough-north-yorkshire>

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	Bilbrough Parish Council
Organisation postal address	c/o Bilbrough Village Hall, Cat Lane, Bilbrough, YO23 3PJ
Organisation website	www.bilbrough.org.uk
Named contact for the organisation	██████████
Position of named contact within the organisation	Chair
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>	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>We are the local parish council.</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)	
Other	X

Section 2: About the asset

Section 2A: Basic details

Please provide basic details about the asset

Type of land/building (for example, pub, shop)	Pub
Name of the premises	The Three Hares Inn
Address of the premises	Main Street, Bilbrough, North Yorkshire YO23 3PH

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	Wellington Pub Company
Address of the owner	4 Millbank Tower, 21-24 Millbank, London SW1P 4QP
Contact details for the owner	Unknown
Name of any other occupier	N/A
Name of any other person with an interest in the premises	N/A
Address of any other person with an interest in the premises	N/A
Contact details for any other person with an interest in the premises	N/A

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 Three Hares has been closed since March 2023, but a recent (unsuccessful) attempt by the owner to end its use as a pub and redevelop it for residential use has merely underlined its value to the local community. The pub was designated an ACV in July 2020 as our community sought to ensure its survival throughout the Covid pandemic and beyond. At this time, the tenant landlady provided a takeaway food service and, as restrictions were gradually lifted, the pub resumed its status as the village's social hub. It was, therefore, a genuine blow to the community when the pub closed following the tenant's decision to leave at the end of her contract. Since the owner subsequently failed to find a new tenant under its lease terms, it applied for a change of use in August 2024. This prompted an immediate response from the community with a village meeting and the establishment of the informal 'Friends of The Three Hares' group who met with MP Sir Alec Shelbrooke and secured local voluntary help for any potential new tenants get the pub back up and running.

The fact that the application met with 80 individual objections and zero messages in support speaks volumes as to local feeling. The NYCC's planning department refused the application in October 2024. The owner subsequently appealed but - following further representations from the community and York CAMRA - the appeal was dismissed by the government's Planning Inspectorate in April 2025.

Full details of the application and appeal, including all the comments can be found on the NYCC's planning portal under ref ZG2024/0800/FUL. We (the Parish Council) would submit this as sufficient evidence to retain the pub's ACV status.

Please note that the community has made clear that it did not exercise its right to bid under the existing ACV as the pub was only made available under leasehold terms. These terms were cited as unacceptable by both NYCC and the planning inspectorate in their decisions to refuse both the initial application for change of use and the appeal. How the owner proceeds remains to be seen, but given that the property must remain a pub the community wishes to retain its right to bid should the freehold be put up for sale or there be a significant change to the lease terms.

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 community simply wants its pub back. As has been the case for two centuries, The Three Hares is the social heart of the village and enjoyed strong local support for both food and wet sales right up until its last day of trading. They say that 'absence makes the heart grow fonder', and given the recent collective expression of feeling one could easily expect even greater support for the pub under new stewardship in the future. Some of the village's newer residents cite it as a shame that they have never or only had the briefest taste of pub life. As mentioned earlier, the willingness of the community to volunteer both time and effort to get the pub open again demonstrates a genuine appetite for the pub's return.

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?

During the aforementioned village meeting about the pub - and in many conversations since - it is clear that the community considers the pub to have great potential. The pub has so many constants in its favour: the perfect situation between city and countryside, the wealth of wedding venues in the area, the proximity to York and its racecourse, the area's popularity with cyclists and nearby students. As was also highlighted throughout the planning issue, there are also precious few alternatives for eating, drinking and social interaction in the area - and none within reasonable walking distance. The community is well aware that success will not come purely from selling pints and putting on a Sunday roast, but under the right, progressive stewardship, there are all kinds of ideas that could be explored to benefit locals and visitors alike.

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	The areas edged in blue and red of the plan. The pub and car park. - Confirmed by email

15/05/2025 - CW

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	

Please return this form and any accompanying materials to the appropriate e-mail address below:

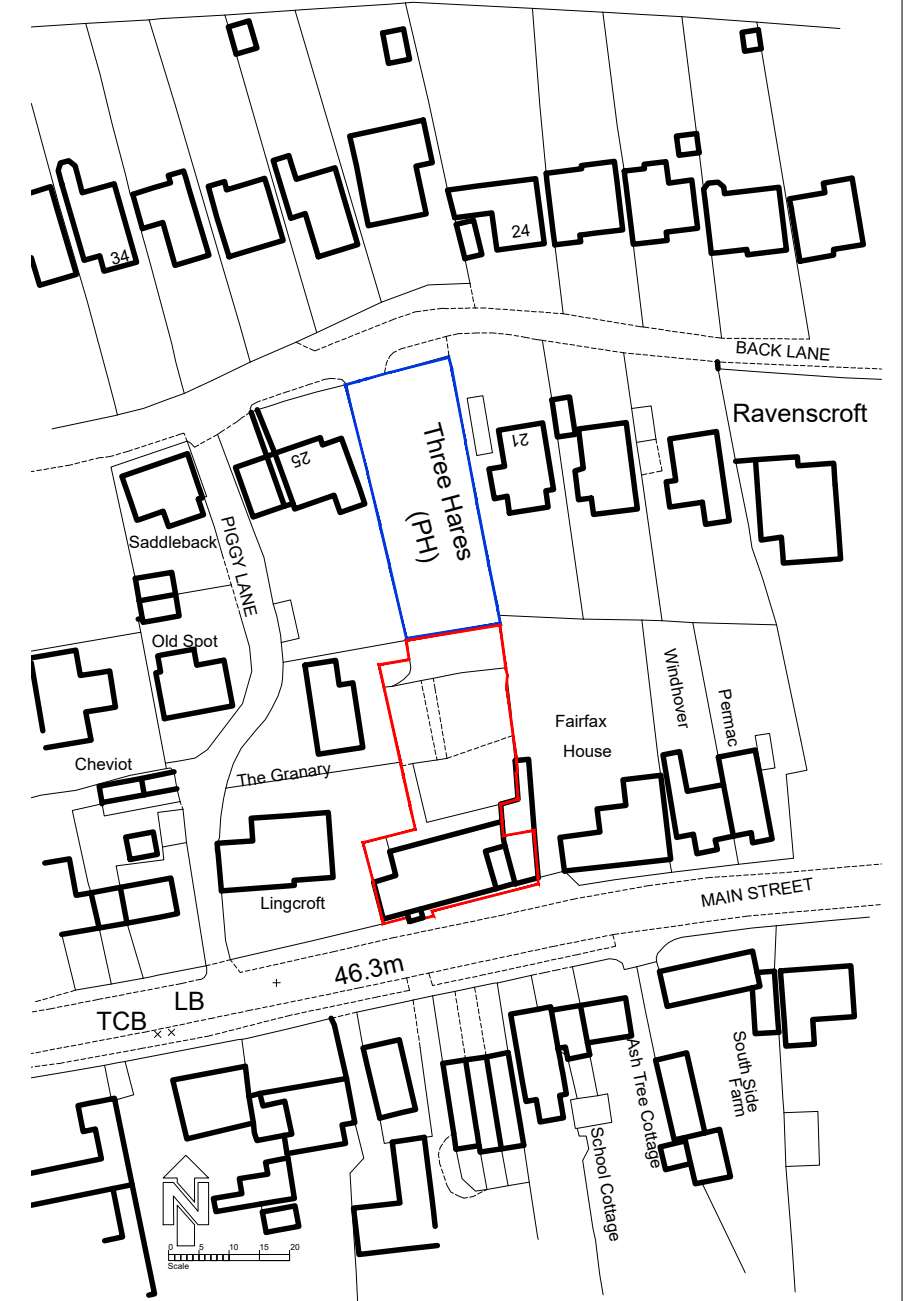
AssetsofCommunityValue.NYC@northyorks.gov.uk

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.



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Revision	Date
Copyright Reserved Do Not Scale Except For Planning All Dimensions To Be Checked On Site	
Project Three Hares Main Street Bilbrough	
Drawing OS Location Plan 1:1250 Block Plan 1:500	
Wythe Holland Limited	
Chartered Architects 10 Emlyn's Street Phone +44 (01780) 757876 Stamford, Lincolnshire PE9 1QP www.wytheholland.co.uk mail@wytheholland.co.uk	
Date 19.08.24	Scale 1:1250
Job No 2171	Drawing No 01 B