

North Yorkshire Council

3 October 2025

Assessment of Asset of Community Value Nomination NYCACV0067 Kirkby Fleetham Church of England Primary School, Kirkby Fleetham, Northallerton, DL7 0SA

Report to the Head of Localities

1. PURPOSE OF REPORT

- 1.1 To determine whether Kirkby Fleetham Church of England Primary School, Kirkby Fleetham, Northallerton, DL7 0SA should be placed on the Council's List of Assets of Community Value (ACV) under the Localism Act 2011, following a nomination from Kirkby Fleetham with Fencotes Parish Council, a qualifying nominator, validated on 13 August 2025.

2. SUMMARY

- 2.1 The nomination is for Kirkby Fleetham Church of England Primary School. The recommendation is that the Head of Localities:
- (i) Determines that the nomination for Kirkby Fleetham Church of England Primary School (NYCACV0067) is successful and meets the definition of community value as detailed in the Localism Act 2011
 - (ii) It should be placed on the North Yorkshire Council Assets of Community Value List of Successful Nominations

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 Kirkby Fleetham Church of England Primary School as required by the Act.

4. NOMINATION CONSIDERATION

a) Description of asset

- 4.1 The small village of Kirkby Fleetham with Fencotes has a population of 570, according to 2022 Office for National Statistics – Mid Year Population Estimates, and includes Kirkby Fleetham, Great Fencote and Little Fencote. The village is situated about 10 miles north of Northallerton.
- 4.2 The nomination is for Kirkby Fleetham Church of England Primary School, which sits in the centre of Kirkby Fleetham. Kirkby Fleetham is a quiet village, with a small range of amenities including a village hall and a pub. The main street of the village is mainly comprised of large, detached houses. The school is a detached building with an enclosed beer garden and small carpark.
- 4.3 Kirkby Fleetham Church of England Primary School is not currently open and was closed at the end of summer term 2025.
- 4.4 The Old School House sits attached to the school and has been fully integrated to become part of the school as described in the nomination form.

b) Nomination and Validation

- 4.5 The nomination to list Kirkby Fleetham Church of England Primary School as an Asset of Community Value was received on 12 August 2025 and validated on 13 August 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 7 October 2025.
- 4.6 The nomination on behalf of Kirkby Fleetham and Fencote 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.
- 4.7 It was established that The Old School House was owned by the Langton on Swale Educational Foundation. The title for the main school building is the incumbent Vicar of the Parish of Kirkby Fleetham with Langton on Swale and

Scurton which is within the Benefice of Lower Swale in the Diocese of Leeds. This was confirmed through a Land Registry search, The Old School House (Title Number NYK171127) and Kirkby Fleetham CoE School (Title Number NYK400327).

4.8 The School and The Old School house were closed and therefore unoccupied.

4.9 The nomination includes both buildings and land to the rear which forms an enlarged playground, and as such covers all the land within Titles NYK171127 and NYK400327.

c) Site Visit

4.10 A site visit was undertaken on the morning of 19 August 2025, with the following observations made:

- In the local area there was a bus stop around 100m away which ran a bus service into Northallerton three times a day.
- The school sits slightly back from a large village green, there were some small tyre swings in the trees and some football goals located in the centre of the grass.
- The other side of the village green was the Village Hall, which according to the notice board on the building, hosts a range of community activities. The village hall appeared well used and was well maintained.
- Kirkby Fleetham CoE School is an old building, in good condition, with large windows and two doors to the front and appeared in good condition.
- The building has wooden gates at either side of the building which leads to the rear garden space.
- Access to the rear of the property was not available however looking over the fence, the rear space looked well taken care of.
- There were various pieces of play equipment in the garden including, a playhouse, climbing wall, wooden play equipment and a grass area.
- The rear of the property appeared to have a fence around the perimeter and surrounded by large trees.
- To the front of the school there was a welcome sign with school details on.
- There are bike racks to the front of the building.
- A small car parking area is located slightly off the road to the front on the school.

d) Community Value Consideration

4.11 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).

4.12 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.”

4.13 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.

4.14 There are examples of schools 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.

4.15 There is no current actual use of the nominated land/property, although the school closure was scheduled for the end of summer term 2025, all attending children and staff found alternative places, therefore the school was unoccupied for the last few months of the term. The fact that it is currently closed 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 Community Safety
- NYC Environmental Protection
- NYC Food, Farming and Health & Safety
- NYC Licensing
- NYC Localities
- Local Councillor
- Interested Parties

NYC PLANNING

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

The use class is - F1(a) for the provision of education.

Constraints

Old School House

It is within Development Limits

It is in a Conservation Area

It is within the Airfield Safeguard area for RAF Leeming

COE School

It is within Development Limits

It is in a Conservation Area

It is within the Airfield Safeguard area for RAF Leeming

Planning History

Old School House – No relevant planning history is listed under the Old School

House as a separate address

CoE School

95/50790/CY - The School House KIRKBY FLEETHAM Northallerton North Yorkshire - Change of use of existing dwelling to additional accommodation for use in conjunction with existing adjacent school. GRANTED

96/50724/C - School House Kirkby Fleetham Northallerton North Yorkshire - Application for Conservation Area Consent for the demolition of existing boundary wall and derelict building as amended. GRANTED

01/00909/CCC - Alterations and extension to existing school and extension to existing playground. GRANTED

04/01124/CCC - Alterations and single storey rear extension to existing school. GRANTED

11/01765/CCC - Proposed installation of an area including play equipment, gazebo, shade sail canopy and footpath. GRANTED

Policy

Hambleton's Local Plan categorises Kirkby Fleetham as a Service village (Policy S3) in the Settlement Hierarchy. The Settlement Hierarchy and the spatial approach to planning recognises that there are greater opportunities for development in locations that have good access to a range of services and facilities.

Local Plan Policy IC4 sets out how the Council will consider applications which would result in the loss of community facilities. This is regardless of

whether they are registered as an asset of community value or not. However, facilities that are considered to play an important role in the community should still be registered to strengthen the protection. The Justification for IC4 indicates that community facilities play an important role in sustaining communities through the creation of healthy, vibrant and inclusive places. They often serve as the hub of local communities, providing a place to meet, socialise or exercise and are key in promoting the health and well-being of people who live and work in the district. The timely provision and upgrading of facilities is required to ensure Hambleton's future growth is sustainable. Community facilities can include community centres, village halls, places of worship, arts and cultural facilities as well as other local services such as health care facilities, libraries and schools. Some local facilities may be commercial operations such as the village shop, post office, children's nursery or public house but they are valuable to the local community, are often essential to maintaining quality of life and reducing the need to travel.

LOCAL LAND CHARGES

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

- Five planning consents for alterations to the school from 1986 to 2005
- The Kirkby Fleetham conservation area

NYC ENVIRONMENTAL PROTECTION

5.4 The Environmental Protection service were consulted, and it was confirmed the service had no environmental protection history for Kirkby Fleetham Church of England Primary School.

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 the service had no comments to make.

NYC LICENSING

5.7 The Licensing service were consulted and identified that there does not appear to be any licensable activities that would fall under licencing remit therefore no comments.

NYC LOCALITIES TEAM

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

- We are aware that both assets have previously been used for the purpose of a primary school which closed at the end of the Summer term 2025. This evidences that the asset recently furthered the social wellbeing and social interest of the local community. The community were hugely involved in the life of the school and have always supported the school with events and projects, including the project “Friends Of Kirkby Fleetham CE Primary School - Watch Us Grow”
- There is a strong possibility that these assets could be used within the next five years to further the social wellbeing- and/or social interests of the local community. We are aware that conversations are already underway with potential providers and community groups to develop educational and community provision in the buildings.

LOCAL COUNCILLOR

5.9 The Local Councillor was consulted and responded to confirm that they support the nomination.

INTERESTED PARTIES

5.10 The Dales Academy Trust, who operated the school prior to closure, were informed of the nomination and made the following comments:

- I can confirm that when Kirkby Fleetham CofE Primary School closes on 31st August 2025, the Trust will have no say on the future use of the buildings. These are ‘owned’ as follows:
 1. The school (the right-hand side of the building as you look at it from the road) is owned by the Incumbent of the Benefice of Ainderby Steeple with Yafforth and Kirby Wiske with Maunby.
 2. The schoolhouse (the left-hand side of the building as you look at it from the road) is owned by the Langton and Swale Educational Trust.
- Dales were deeply saddened that it had to make the decision to close the school.

6 ASSESSMENT INFORMATION

6.1 In assessing the community value of Kirkby Fleetham Church of England Primary School all information received has been considered. As the school is closed, consideration is based on the criteria listed at paragraph 4.13. There is no current actual use of the nominated property as it has been closed for a period one month however has been vacant for around five 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 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.
- 6.4 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.
- 6.5 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 Kirkby Fleetham Church of England Primary School 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**
- 6.6 The nomination form included the following relevant information:

- The nomination states that Kirkby Fleetham CoF School has served as the village's school for over two centuries
- The planning history shows planning consents linked to its use as a school in the 1980s
- It was actively used by the community up until spring/summer 2025, when it closed following the decision by the Secretary of State for Education.

6.7 Overall, the nomination evidences a sustained period of educational use spanning over two centuries, with supporting documentation verifying the accuracy of this claim.

(2). The type of asset involved – School

6.8 The nominated asset is a school. The Planning use class is - F1(a) for the provision of education.

6.9 The fact that a nominated asset is a school 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. Therefore even if the school is closed, if it previously served the community in these ways and could do so again, it can be listed as an ACV. There is a view that schools are places where children and families connect providing community cohesion. Schools often host events, fairs, and activities that bring people together whilst providing a sense of identity and pride for the local area. These factors are considered in the context of each individual school nomination, and it is the consideration of a number of factors identified in the report that fulfil the assessment of community use.

6.10 Although the asset is a school, 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

6.11 This assessment takes into account the uses identified in the nomination and supporting evidence as community use, these are also considered in the following section regarding ancillary use. The nomination identified the following types of activities that were held at the school when it was open:

- In 2023 students and staff at Kirkby Fleetham CE School won a People's Choice Award 2023 Gold Smiley Charity National Film Award for their film 'Watch us Grow'.
- The Commemorative Garden project supported by the National Lottery Heritage Fund (NLHF) builds upon previous community research of the history of the parish of Kirkby Fleetham with Fencote. The school building hosted various activities in relation to this project and there is more information in paragraph 6.29. Involvement with Commemorative Garden project provided a trail blazer for other schools due to the spirit of community collaboration engendered by this project, particularly with the

engagement of the school and was considered so successful that it has been entered for a 2025 North Yorkshire Council Community Award in the Collaborative Spirit category.

- The Friends of Kirkby Fleetham CE School is a registered Charity and started as a group of like-minded parents interested in helping the school to flourish within the community by working together and by fundraising to help improve the school in many ways. One recent example of their work is in raising funds for the successful purchase of play equipment for the school, in this they were supported by the wider community and Parish Council.
- The incumbent vicars / curates over the years have always played a very active role in visiting the school as part of their pastoral care mission.
- Over many years local people have volunteered their time and often their specialist skills to help out at the school and hopefully to enhance and inspire the pupil's broader education. Typical examples would be locals reading stories to the children or helping to pass on cooking and arts/crafts skills, cycling proficiency and sporting activities.
- It is evident that the local community valued the school, "the decision to close the school came as huge shock to the whole community and a very large group of people quickly formed to campaign to stop the closure. They worked closely together, shared their individual ideas and skills and fought tirelessly to oppose the closure. Alas they were not successful, but this is mentioned as yet another example of the community spirit and support for the school".

6.12 The People's Choice Award 2023 reflects the school's role in creativity, collaboration, and pride within the community. While the award itself is not a direct community use of the building, the process of creating the film involved community engagement, it demonstrates the school's impact on social wellbeing through cultural and educational enrichment.

6.13 The Commemorative Garden Project is an example of community use, as the project involved historical research, public engagement, and collaborative activities hosted at the school.

6.14 The fundraising and installation of play equipment is an example of community use because it involved Friends of Kirkby Fleetham CE School, local residents, and the Parish Council working together to improve the school environment.

6.15 While pastoral care contributes to social wellbeing, the visits were part of the school's religious and educational framework rather than a broader community use of the building.

6.16 The involvement of local people in delivering activities like storytelling, cooking, arts and crafts, and sports shows that the school was a platform for intergenerational learning and community contribution. These activities go beyond formal education and reflect the school's role in fostering social connections and wellbeing and is a good example of community use.

- 6.17 While campaigning to save the school may not constitute use of the building, it reinforces the idea that the school was a community asset and is an indicator of community value, though not a direct use of the building.
- 6.18 All of the activities listed contributed to the community use of the school, though some are stronger examples of direct community use than others.

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

6.19 The nomination form included the following relevant information:

- The school has historical significance to the local community. It has been used since the 1800's "for the purpose of education of the poor parish of Kirkby Fleetham".
- People in the community had demonstrated willingness to volunteer time and specialist skills to help out at the school. Typical examples would be reading, cooking, arts/crafts, cycling and sporting activities.
- The local church played a leading role around 1995 in procuring the school cottage and establishing the Langton on Swale Educational Foundation Charity. This shows the commitment of the local church to the school.
- A charity (The Friends of Kirkby Fleetham CE School) was started by like-minded parents who aimed to help the school flourish within the community by working together and fundraising to help improve the school. The school acted a base for this charity.
- As highlighted in section (3) above, the students and staff at Kirkby Fleetham CE School won an award for their film 'Watch us Grow'.
- NYC Localities team stated "The community were hugely involved in the life of the school and have always supported the school with events and projects"

6.20 The evidence provided in the nomination demonstrates that Kirkby Fleetham CE School has long been a focal point of community life, with deep historical roots and strong local involvement. From volunteer-led activities and church support to the creation of a dedicated charity and widespread community engagement, the school has consistently furthered the social wellbeing and interests of the parish. The community's active participation in events, projects, and campaigns reflects a meaningful and enduring connection to the building, reinforcing its status as a valued community asset.

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

6.21 The nomination identifies that the school has been closed since August 2025, this was confirmed through internal consultations through the report available on the NYC website. Although it is noted in the nomination, that the children and staff found alternative arrangements prior to closure therefore the school was unoccupied from the beginning of the summer term. The nominated asset has therefore been out of use for a period of around 5 months.

6.22 The asset has been out of use since the beginning of summer term 2025, and while the nomination states that Trustees of the Langton on Swale Educational Foundation are working to secure a new tenant to take over the School building with the intent that it remains in use for educational purposes, there is no imminent indication of the building re-opening either as a educational facility or something else.

Recent past conclusion

6.23 The Kirkby Fleetham CoE Primary School has a long-standing presence in the village, with over two centuries of community use.

6.24 The nomination outlines school-related activities but also other activities and events, such as carrying out project activities, entering community award competitions and local community volunteering. There is evidence of community connection, there was also evidence of organised community involvement. The asset has been closed for around 5 months and is not up for sale.

6.25 Taken together, these factors support a finding that the asset meets the threshold for recent past community use. ***Therefore, it is reasonable to conclude that, the period of closure is within the recent past and this criteria is met.***

2. Actual use that is not an ancillary use

6.26 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.

6.27 Information in the nomination and supporting evidence about actual uses of the asset, identified types of activities that were carried out at the school over recent years (paragraph 6.6-6.25). The information, evidence and statements provided by or about groups using the school before it closed at the beginning of summer term 2025 demonstrates that many of these activities/uses would not be able to be carried out with such success if it was not for the school being in the village and the contribution from the staff, students and local community.

6.28 The Friends of Kirkby Fleetham CE School is a charity that was started by parents, local community and Parish Council, interested in helping the school flourish in the community. Although there is no evidence that the group used the school to hold meetings or get together it is clearly closely linked to the

school, and it raised funds for the school, recently successfully purchasing new play equipment.

6.29 Limited evidence was provided about actual uses that were not ancillary to that of use as a school such as:

- Significant standalone projects such as Commemorative Garden Project

Kirkby Fleetham Church of England Primary School was involved in a project to create a commemorative garden with funding from the National Lottery Heritage Fund (NLHF). The school was involved for the duration of the project and benefitted pupils with a myriad of learning resources.

1) Community use of asset

- Pupils walked to the cemetery for all of their on-site activities, had the benefit of interacting with a range of specialists, as well as elderly residents who provided new perspectives and experiences. The multi-faceted approach could be reproduced and developed for other schools.
- “As part of the project, members of the sub-committee spent a heritage day with the pupils where the children participated in Victorian games and activities. Former pupils from the 1950s and 1960s also joined to describe their school days. During the day, a “museum” was created by the pupils which was opened to the wider community at the end of the school day and which was widely attended.”
- Through the schools connection with projects such as the commemorative garden project, the school was a facilitator in connecting different groups of people and generations. The school was part of delivering a rejuvenated public space which enhanced the village community.
- Through this project a dedicated school display created.
- The school hosted a Heritage Day, “to engage pupils with the history and heritage of the community in an immersive and interactive way, providing a range of opportunities for experiential learning and enquiry from Early Years and across Key Stages 1& 2. The wider community were engaged with the event through the creation of a Mini Museum to which parents, carers and local residents are invited and through involvement in the intergenerational oral history session which formed part of the afternoon programme”.

2) Degree of connection between the asset and the community

- The community were hugely involved in the life of the school and have always supported the school with events and projects, including the commemorative garden project.
- Village primary school with 17 children and their families engaged throughout the project

- The Commemorative Garden report demonstrated a strong connection between the local community and the project, which in turn benefited the local economy, “The project team worked hard to successfully involve local residents of all ages, from the reception children to elderly residents with a wide range of activities. They should be applauded for their commitment to using local professionals, organisations, businesses and materials, wherever they could, ensuring that investment benefitted the local economy.” It could be suggested that the school has provided a invaluable contribution to the project and without the school there is a chance that the engagement in the project would be a lot lower.
- Four sessions delivered with Kirkby Fleetham Primary School – field walk, building bird boxes, locating and installing bird boxes, planting wildflower plugs.
- Dedicated school display created

3) Community wellbeing

- The report highlights that the project formed a collaborative relationship with the elderly community and specialists and the commitment from Kirkby Fleetham Church of England Primary, this can be seen as contributing to the healthy wellbeing of the community.
- This contributed to the wellbeing of the local community which is evidenced in the Commemorative Garden NLHF project evaluation document “In conversations with residents at the Heritage Day and mini museum, parents and grandparents spoke of visiting the Commemorative Garden with the children who wanted to see how their planting had progressed and what was happening at the birdfeeders and insect boxes.”
- “We will continually reflect upon this project and refer back to it when we explore other areas of our history curriculum. It has also offered a model which we could perhaps replicate in our 3 other partnered schools” - Deputy Head Teacher, Kirkby Fleetham Primary School. If this model could be offered and replicated in the three partner schools it would be beneficial to other communities.
- “The involvement and commitment of pupils and staff from the primary school ensured pupils’ familiarity and pride with the garden, and motivation to share their knowledge with family members during return visits.”
- Local community volunteers assisting with skills building and wellbeing
- School used to host heritage day which was widely attended by the wider community
- Community engagement to produce a film – this later won a national award
- Friends of Kirkby Fleetham CE School charity fundraising

6.30 The Commemorative Garden Project, volunteer-led activities, and Friends group fundraising are particularly compelling, as they show the school was used as a venue for non-educational, community-led initiatives. These uses are non-ancillary and further the social wellbeing and interests of the local community. However, there was limited information in the nomination about, frequency, regularity of use or numbers of attendees. ***Overall the information provided demonstrates actual use that is non-ancillary and therefore this criteria is met.***

3. Furthering the social wellbeing or social interests of the local community

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 relevant uses as detailed in previous sections (paragraphs 6.11-6.18 and 6.26-6.30).

6.32 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.

6.33 More detail about the specific references include:

- The asset was nominated by the Parish Council
- **Key objective and Commemorative Garden Project outcome: "engaging local people with their heritage" –**
"This was a very uniting experience for the children. They felt connected to their personal histories and heritage. It was also really valuable for children to talk to and share experiences with more elderly members of the community and learn from their perspectives on life."

"The project has also helped strengthen relationships with the wider community through a shared sense of heritage and storytelling."

"The children really enjoyed learning more about the cemetery; the species that live there and the ones we'd like to encourage with our seed plugs, and our bat and bird boxes."

Comments from the local school children after the Heritage Day held at the school "I love today because I like the sewing machine and porrit [porridge]"

Feedback from school staff "Thank you so very much for such a wonderfully rich day of learning and experiences for the children and the community. What a huge success!"

- The nomination identifies "Former pupils from the 1950s and 1960s also joined to describe their school days. During the day, a "museum"

was created by the pupils which was opened to the wider community at the end of the school day and which was widely attended.”

- In 2023 students and staff at Kirkby Fleetham CE School won a People’s Choice Award 2023 Gold Smiley Charity National Film Award for their film ‘Watch us Grow’. “The sense of pride in this achievement rippled right through the community, in fact it almost became an unofficial anthem for the groups who campaigned hard against the school closure.”
- A very large group of people formed to campaign to stop the closure of the school.
- The Friends of Kirkby Fleetham CE School - one example of their work is in recently raising funds for the successful purchase of play equipment for the school.
- “Over many years local people have volunteered their time and often their specialist skills to help out at the school and hopefully to enhance and inspire the pupil’s broader education.”

- 6.34 The Commemorative Garden Project project, supported by the National Lottery Heritage Fund (NLHF), aimed to engage local people, especially children, with their heritage. The project brought together different generations and allowed the local community to share experiences, promoting social wellbeing. The activities supported education, environmental awareness and heritage appreciation which aligns with the recognised cultural interests and social wellbeing elements under the Localism Act.
- 6.35 The ‘museum’ created at the school engaged former and current students fostering intergenerational connections. The activity helped preserve and celebrate local heritage, contributing to the communities shared memory and pride, while encouraging community participation and enhancing social wellbeing. It can be recognised that this cultural activity brought people together, supported learning and strengthened community bonds.
- 6.36 The achievement by the students and staff at the school winning a national award for a film they created collaboratively with the community, fostered a shared sense of accomplishment demonstrating community pride and identity.
- 6.37 The community response to the decision to close the school demonstrates the community spirit for the school and shows active participation which can be described as a key indicator of social wellbeing.
- 6.38 The reference to the Friends of Kirkby Fleetham CoE School raising funds to purchase new play equipment for the school, directly benefited the pupils and enhanced the school environment, again showing active community engagement while investing into the schools wellbeing, indicating social value. The play equipment supports children’s physical health, social development and emotional wellbeing.

- 6.39 Local residents volunteering their time and skills can be seen to enhance education and inspire the pupils. Although it was not identified how many years volunteering had taken place, the phrase ‘over many years’ suggests a long standing pattern of community use and value.
- 6.40 There are many references to in the nomination to the village. The site visit confirmed Kirkby Fleetham was a small, quiet village with limited services. There was no other school, there was a church, a village hall and an area of public open space. The village hall appeared to be well-used, it was regularly used by community groups and local organisations for events and activities. The nomination does identify the village hall as an area where some of the activities relating to the Commemorative Garden project were held.
- 6.41 It is recognised in the ACV regime that “social interests” includes, in particular, cultural, recreational and sporting interests, the condition also references social wellbeing. The nomination identifies examples significant cultural and social wellbeing uses linked to the Commemorative Garden Project and film. The nomination also provides limited evidence linked recreational and sporting interests. Positive feedback from children, staff and the community shows the value placed on the school as a shared community asset, in particular its role as a facilitator and convenor within the community bringing together people from different generations to share experiences and skills. ***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 Kirkby Fleetham. There is sufficient evidence that uses identified further the social wellbeing or social interests of the local community and this criteria is therefore met.***

Section 88(2) CONDITION ONE - CONCLUSION

- 6.42 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.
- 6.43 Kirkby Fleetham Church of England Primary School has served the village community for over two centuries, demonstrating a longstanding local presence. The nomination highlights a range of school-related and broader community activities, including project work, participation in community award schemes, and volunteering. Evidence shows both informal community connection and organised involvement from the local community. Although the asset has been closed for approximately five months and is not currently operating, the closure falls within the recent past. The recent past element of the criteria is therefore met.
- 6.44 While the nomination lacks detailed information on the frequency and scale of these activities, the positive feedback from children, staff, and residents, along with the community’s active involvement, supports the view that the school was a valued and shared asset. The nomination provided sufficient

evidence of specific uses beyond general school functions, some of these uses are non-ancillary. Therefore, the actual use that is not an ancillary use element of the criteria is met.

- 6.45 The nomination presents a range of school-related and community-led activities that demonstrate a meaningful connection between Kirkby Fleetham CoE Primary School and the local community. Projects such as the Commemorative Garden, community volunteering, and fundraising by the Friends group show that the school was used not only for education, but it also facilitated cultural and recreational initiatives that benefited the social wellbeing of those attending and the wider community. These non-ancillary uses align with the ACV criteria by furthering the social wellbeing and interests of the community, particularly in a village with limited services and few alternative facilities. As such the furthering the social wellbeing or social interests element of the criteria is met.
- 6.46 The nomination identifies the local community as the village of Kirkby Fleetham. There is no other school 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 school. It was evidenced in the nomination that the local community are active and highly interested in the school and activities held there. The local community element is therefore met.
- 6.47 **Based on the information available it is therefore reasonable to determine that 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. Therefore, Condition One is met.**

CONDITION TWO Section 88(2) - *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.*

- 6.48 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**).
- 6.49 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.

- 6.50 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”.
- 6.51 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. The nomination and information available presented factors related to future community uses and these will be considered.
- 6.52 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 “The Trustees of the Langton on Swale Educational Foundation are striving to secure a new tenant to take over the School building with the intent that it remains in use for educational purposes”. The trustees are also working with representatives from the Church of England to find a successful organisation to run the building as an educational establishment.
 - “It is generally understood that in the event of the school ceasing to be used as a place of education, it is possible that legally it may revert to the descendant/s of the original giver under a “reversion” provision.”
 - The nomination stated that consultation with the wider community demonstrated that the general wish was for the school buildings to continue to be used for educational purposes. It was noted in the nomination that the Langton on Swale Education Foundation Trustees and working to come to an agreement with an education organisation which is run by a local person who was a former pupil of the school. It is noted that the organisation has made clear they are keen to use some of the space for community use such as arts and crafts.
 - “It is hoped, indeed expected, that all the locals who have supported the school in the past will be ready and willing to continue their good work”
 - The Friends of Kirkby Fleetham CE School are still a charity showing willingness to continue to seek ways to help the new future for the school.
 - The play equipment that was purchased by The Friends of Kirkby Fleetham CE School is located in the school yard and is expected that it will remain with the building for the enjoyment of future users.
 - The Deputy Head Teacher of Kirkby Fleetham CE School highlighted that some of the work carried out during the Commemorative Garden Project “could perhaps replicate in our 3 other partnered schools”
 - The consultation with NYC Planning confirmed there were no objections to the nomination so far as planning matters were concerned and no current or recent planning applications, including any applications for change of use.

- The consultation with NYC Communities indicated that the community have always been hugely involved in the life of the school and have always supported the school with events and projects and believe there is a strong possibility within the next five years the school could be used to further the social wellbeing/interests of the local community.
- 2025 North Yorkshire Council Community Award in the Collaborative Spirit category

6.53 The active efforts of the Trustees' to secure a new tenant for educational purposes show a clear intention to maintain the buildings role in service the public. here is nothing to suggest that the new educational provider would not include community facing activities to benefit the highly engaged, wider community.

6.54 The potential legal reversion to descendants does introduce an element of uncertainty to the long-term availability of the building for community use. The nomination identifies that resolving the outstanding legal issues and reaching an agreement may take some time.

6.55 The consultation referred to in the nomination with the wider community is a strong indicator of community support. Although the consultation outcomes were not provided in full with the nomination, it was noted that local residents value the school's educational role and wish to see it preserved. The involvement of a former pupil in leading a new educational initiative adds a personal and local dimension. Importantly, the organisations interest in using part of the space for community activities like arts and crafts broadens the scope beyond education. This demonstrates both educational and wider social benefit.

6.56 The indication by the nominator of the 'expected continued local support' reflects community sentiment and willingness to engage however, it does not in itself guarantee a structured or sustainable plan for the buildings use. This kind of ongoing local support is valuable because it could suggest that any future use of the building would be well-attended and actively maintained by the community.

6.57 The charity Friends of Kirkby Fleetham CE School is a realistic and encouraging sign of community use. Their history of fundraising and involvement in school projects demonstrates capacity and commitment to the school. The ongoing presence of this group shows that the community infrastructure already exists to support future use.

6.58 The presence of play equipment adds a practical value to the school site making it suitable for other family or child focussed activities supporting community wellbeing. It is noted though that this play equipment is not currently accessible to the local community whilst the building is closed, as it can only be accessed via the school.

6.59 The Deputy Head's suggestion that the Commemorative Garden Project could be replicated elsewhere could show that the school had been a source of

inspiration and innovation. Although this doesn't directly confirm future use of the building, it does support the idea that the school has had a lasting impact on the community and could continue to do so if repurposed appropriately. The legacy of this project is still growing, as it is currently a nominee in the 2025 North Yorkshire Council Community Awards, in the Collaborative Spirit category.

- 6.60 As stated previously the test for this condition 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. 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.

Section 88(2) Condition Two - CONCLUSION

- 6.61 The nomination presents information that demonstrates enthusiasm and practical steps to retrain the buildings' value to the community, particularly through the trustees' active efforts to secure a new educational tenant. Assessment of Condition One evidenced that the school facilitated and recognised social interests and social wellbeing uses and the potential inclusion of community-facing activities adds further weight. The involvement of a former pupil and the presence of an established charity (Friends of Kirkby Fleetham CE School) demonstrate both personal and organisational commitment to the building's future use. These factors suggest a realistic prospect of the asset continuing to serve the community in the next five years.
- 6.62 Whilst the current position, including the potential legal reversion introduces uncertainty, there is longstanding use, clear community sentiment, recent significant projects that have received accolades such as awards and nominations, historical engagement, and infrastructure in place to support future community use.
- 6.63 Assessment of this condition does not require there to be a detailed business case or financial information.
- 6.64 In summary, **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.**

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 Kirkby Fleetham Church of England Primary School, Kirkby Fleetham 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 6.2-6.47)

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 6.48-6.64)

Condition One

6.68 Although the nomination lacks information in relation to attendees, frequency and demographics in relation to uses, it provides 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 Kirkby Fleetham village. ***Based on the information available it is therefore reasonable to determine that 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. Therefore, Condition One is 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 identified under Condition One. There is clear community sentiment, historical engagement, and infrastructure in place to support future use. ***Based on the information available it is therefore realistic to think that there is a time in the next five years when there could be non-ancillary use of the building that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community therefore Condition Two is met.***

- 6.70 The evidence demonstrates that the nomination meets the definition of community value as detailed in the Localism Act 2011. It is therefore recommended that Kirkby Fleetham CoE Primary School is listed as an Asset of Community Value and it is placed on the North Yorkshire Council List of Successful Nominations.

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 None. In considering the nomination for Kirkby Fleetham CoE Primary School, 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 successful, the nominated asset will be placed on the North Yorkshire Council Assets of Community Value List of Successful Nominations for a period of at least 5 years, together with reasons for 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 register Kirkby Fleetham Church of England Primary School, Kirkby Fleetham meets 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 register Kirkby Fleetham Church of England Primary School, Kirkby Fleetham (NYCACV0067), 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 Kirkby Fleetham Church of England Primary School, Kirkby Fleetham (NYCACV0067) is successful and meets the definition of community value as detailed in the Localism Act 2011
- (ii) It should be placed on the North Yorkshire Council Assets of Community Value List of Successful Nominations

APPENDICES:

Appendix A – Nomination form, additional information from the nominating group 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

3 October 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/ukxi/2012/2421/regulation/5/made>

<https://www.ons.gov.uk/visualisations/customprofiles/build/>

<https://edemocracy.northyorks.gov.uk/documents/s49195/LOCAL%20AUTHORITY%20RESPONSE%20TO%20THE%20PROPOSED%20CLOSURE%20OF%20KIRKB%20Y.pdf>

<https://smileycharityfilmawards.com/films/friends-of-kirkby-fleetham-ce-primary-school-watch-us-grow>

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	Kirkby Fleetham with Fencotes Parish Council
Organisation postal address	██████████ (Parish Clerk and Responsible Financial Officer) School View, Great Langton, Northallerton, North Yorkshire, DL7 0TE
Organisation website	https://www.kirkbyfleethamwithfencotesparishcouncil.co.uk/
Named contact for the organisation	██████████
Position of named contact within the organisation	Parish Council 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	Not applicable
<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
The Parish Council serves the local area in which the Asset to be registered is located and is within the boundaries of North Yorkshire Council

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 (the PC has a suite of operating policies and procedures which are all available to view on the website noted above)	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)	Recently closed primary school including attached School Cottage and land which forms the school playground
Name of the premises	Kirkby Fleetham Church of England Primary School
Address of the premises	31 Forge Ln, Kirkby Fleetham, Northallerton, DL7 0SA

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	<ol style="list-style-type: none"> 1. The Old School House is owned by the Langton on Swale Educational Foundation which is a Registered Charity Number 1053963 2. The title for the main School building is the Incumbent Vicar of the Parish of Kirkby Fleetham with Langton on Swale and Scruton which is within the Benefice of Lower Swale in the Diocese of Leeds
Address of the owner	<ol style="list-style-type: none"> 1. [REDACTED], Clerk to Langton on Swale Educational Foundation, 2. [REDACTED], Church Warden to the Churches of the Parish of Kirkby Fleetham with Langton on Swale and Scruton
Contact details for the owner	<ol style="list-style-type: none"> 1. Email [REDACTED] 2. Email [REDACTED]
Name of any other occupier	The School and the former School Cottage have been closed and are therefore unoccupied at present
Name of any other person with an interest in the premises	
Address of any other person with an interest in the premises	
Contact details for any other person with an interest in the premises	

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 School Building together with the parcel of land in which it sits, was given by Harry Edmund Waller, the then owner of Kirkby Fleetham Hall to The Reverend Thomas Monson elect Vicar of the Parish of Kirkby Fleetham by means of an Indenture dated 22nd March 1856, for the purpose of education of the poor of the Parish of Kirkby Fleetham. Even prior to this indenture the building was in use as a school and remained so until the decision by the Dales Academy Trust to close it at the end of the 2025 Summer Term. There has therefore been a continuous period of in excess of two hundred years of educational use in the building.

The Old School House, together with a garden space to the rear was a separate but attached property to the School and when it was sold in 1995 it was acquired by the newly formed Langton on Swale Educational Foundation who rented it to the School at a peppercorn rent to allow the School facilities to extend into it. The buildings were combined insofar as openings were created for direct internal access between the merged buildings, all utilities were merged and the land to the rear was merged to form an enlarged playground. The separate ownerships of the properties and their land was however not merged in any way. This arrangement continued up to the point of closure. It should be noted that although the School closure was scheduled for the end of the 2025 Summer Term, all attending children and staff found alternative places and so the School was unoccupied for the last few months of the Term. New play equipment was obtained by The Friends of Kirkby Fleetham CE Primary School which is a Registered Charity Number 1198259, with partial support from a Solar Fund administered by the Parish Council. This equipment is located in the area behind the Old School House and needs to be retained with this property for future use as described below.

The two separate properties are both registered with HM Land Registry as follows:

NYK171127 Old School House

NYK400327 COE School

Official copies of the Register of Title are attached to this application.

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 Trustees of the Langton on Swale Educational Foundation are striving to secure a new tenant to take over the School building with the intent that it remains in use for educational purposes. They are currently in negotiations with organisation who provide private nursery education, some of which may include education for children with special needs. The Trustees are also endeavouring to work with the appropriate representatives from the Church of England to see if an arrangement can be reached for any successful organisation to operate in the entire merged building, thereby preserving the combined building as an educational establishment for the future, both benefitting the wider community and staying within the intent of the original basis for which the building was given.

Notwithstanding the separate ownership arrangements, both parties have agreed that it is appropriate for the entire merged building to seek registration as an Asset of Community Value.

There are potential legal consequences linked to the closure of the School. It is generally understood that in the event of the School ceasing to be used as a place of education, it is possible that legally it may revert to the descendant/s of the original giver under a "reversion" provision. This provision is not explicit in the actual 1856 Indenture but it is believed to be contained within an Act of Parliament specifically referenced in the Indenture, this Act being referred to as an *"Act passed in the fifth year of the reign of Her Majesty Queen Victoria intituled 'An Act to afford further facilities for the conveyance and endowment of sites for schools' and for an Act of the eighth year of the reign of Her present Majesty explaining the same"*. This potential reversion provision, represents the primary reason why the Parish Council, the Langton on Swale Educational Foundation, the local Church members and indeed many in the wider local community are deeply concerned about securing the future of the entire building as a place of education to negate potential loss of the building to the community. It is felt that resolving outstanding legal issues together with negotiations and any possible agreement between the parties may take some time and the registration as an Asset of Community Value, if accepted, will help to give enough time for any such agreement.

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?

All parties locally are both hopeful and optimistic that an agreement can be reached between the owners and also with a suitable educational organisation to retain the building for the community and for its given purpose. Ideally this can happen in a window of approximately six months.



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 (available online at Parish Council website)
A clear plan defining the land/premises being nominated	X (The boundaries of the properties are clearly defined on the Land Registry documents attached hereto)

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:

OFFICIAL

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.

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

H.M. LAND REGISTRY			TITLE NUMBER	
			NYK171127	
ORDNANCE SURVEY PLAN REFERENCE	SE 2894	SECTION	A	Scale 1/1250 Enlarged from 1/2500
COUNTY	NORTH YORKSHIRE	DISTRICT	HAMBLETON	© Crown copyright 1988





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