

# North Yorkshire Council

8 April 2026

## Assessment of Asset of Community Value Nomination *NYCACV0075 Starbeck Swimming Pool, Harrogate*

### Report to the Head of Localities

#### 1. PURPOSE OF REPORT

1.1 To determine whether the Starbeck Swimming Pool, Spa Lane, Harrogate HG2 7JF should be placed on the Council's List of Assets of Community Value (ACVs) under the Localism Act 2011, following a nomination received on 12 February 2025 by Harrogate Town Council, a qualifying nominator.

#### 2. SUMMARY

2.1 The nomination relates to Starbeck Swimming Pool, Spa Lane, Harrogate HG2 7JF. The recommendation is that the Head of Localities:

- (i) Determines that the nomination for the Starbeck Swimming Pool 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 This report ensures that the Council considers the nomination for Starbeck Swimming Pool, Spa Lane, Harrogate HG2 7JF, as required by the Act.

#### **4. NOMINATION CONSIDERATION**

##### **a) Description of asset**

4.1 Starbeck Swimming Pool located in Harrogate District, is located on Spa Lane, Starbeck. It is a historic building, built in 1870. The building is not currently a Listed Building but is a locally designated heritage asset. Starbeck has many facilities including Starbeck railway station which serves the York, Harrogate, Leeds line. Starbeck is a built-up, area of fairly high population density, between Harrogate and Knaresborough. According to ONS, there is a population of around 12,000 within 1km of the nominated site. The nominated site is situated in a neighbourhood that, according to the English Indices of Deprivation 2025, is more deprived than 75% of neighbourhoods in England.

4.2 The asset is close to the train station and high street, down a small road. Directly next to the swimming pool is Starbeck Bowling Club, the bowling club uses a small part of the swimming pool building for storage. The swimming pool building is accessible, with off street car parking and level access via a ramp, there is a small public footpath, that leads to allotments behind the swimming pool building.

4.3 The nominated asset comprises the main swimming pool building and a section of the car park. The site is enhanced by grassy, landscaped borders featuring flowers and small green spaces.

##### **b) Nomination and Validation**

4.4 The nomination to list Starbeck Swimming Pool as an Asset of Community Value was received on 12 February 2026 and validated on 16 February 2026. 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 12 April 2026. The nomination from Harrogate Town 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.

4.5 The nomination is for part of Title Number NYK257512. It was established through Land Registry information that the property is owned by North Yorkshire Council.

4.6 The swimming pool is occupied and managed by North Yorkshire Council's Leisure Service, Active North Yorkshire. Prior to the formation of North Yorkshire Council in April 2023 (through local government reorganisation), the pool was owned and managed by Harrogate Borough Council.

### **c) Site Visit**

4.7 A site visit was undertaken on 20 March 2026 at 10:30 am, with the following observations made:

- Upon arrival, the site was open to the public, busy, and welcoming
- The building, including exterior curtilage and interior, were well-maintained
- The building itself was an attractive period property and its setting was pleasant, being in a tranquil area, with little traffic (cul-de-sac) along with mature trees and green spaces
- Many original/historic features were retained on the exterior and interior of the building
- The site was situated within a quiet residential area, immediately adjacent to Starbeck Bowling Club
- To the rear of the building were residential properties and allotments, to the front of the building was a road, green space and terraced housing
- The pathway next to the swimming pool was also used by members of the public as it branched off and acted as a thoroughfare between Spa Road and the housing and allotments to the rear of the pool
- Public transport links were accessible nearby, including a bus stop and train station within walking distance
- On and off-street parking was available
- The nearby high street offered a variety of amenities including shops, takeaways, cafés, a park, and churches
- There were no other swimming pools in the immediate vicinity; alternative pools were available further afield (in Harrogate and Knaresborough)
- There was level access to the swimming pool from the roadside/carpark and a ramp into the main entrance on the front of the building.
- The nomination includes part of the car park (the entrance and the section to the front of the building).
- It did not appear that the carpark could be locked when the pool was closed
- Signage was present outside noting management and contact details
- Bike parking was available in front of the entrance
- There was a large community noticeboard inside with posters and local information, much of it relating to health and wellbeing activities
- There were framed archive posters/newspaper cuttings about the swimming pool dating back to the 19<sup>th</sup> century on display
- Inside there was a reception with small seating area, an office, changing facilities, including family/disabled facilities and one main swimming pool
- The water in the swimming pool is warmer than other local pools
- The swimming pool has historic pillars around the water's edge and accessibility features
- During the short site visit there were a number of visitors arriving to use the pool, including single people, people in wheelchairs and people with their carers

### **d) Community Value Consideration**

4.8 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). As the nominated site is still in use, assessment is based on the conditions at Section 88 (1) and shown below

“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.”

4.9 There are examples of swimming pools as 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.

## **5. CONSULTATION UNDERTAKEN AND RESPONSES**

5.1 The following consultees were notified of the nomination:

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

### **NYC PLANNING**

5.2 The Planning Service were consulted and made the following comments:

The planning team does not hold a definitive database of what the lawful use of sites are. This response refers to the planning history for the site. It is understood that the site is in continuous use as a public swimming pool. The only planning application visible from a review of the planning history is for the Construction of disabled ramp and steps was approved in 1987 (HGT87/01774/FUL).

The building is not listed but is identified in the Starbeck Conservation Area Appraisal as a Building of Local Interest and is therefore a locally designated heritage asset. These premises date from the 1870s and are brick built with stone quoins and would be considered a key part of the conservation area.

The scope of this response will not include whether the principal use of the asset furthers the social well-being or social interests of the local community.

In terms of future continued use of the site, no specific comments can be made. Any planning application to change the use would be assessed on its own merits. If an application for change of use was to come forward in the future, the application would be assessed under the following Harrogate District Local Plan Policy:

### HP6: Protection of Existing Sport, Open Space and Recreation Facilities

**Policy HP6: Protection of Existing Sport, Open Space and Recreation Facilities**

A. Proposals for development that would involve the loss of existing outdoor public and private sport, open space and recreational facilities will be supported where:

- i. The applicant can demonstrate that there is a surplus of similar facilities in the area and that the loss would not adversely affect the existing and potential recreational needs of the local population, making allowance for the likely demand generated by allocations in this plan; or
- ii. A satisfactory replacement facility is provided and available for use before the existing facility is lost, in a suitable location, accessible to current users, and at least equivalent in terms of size, usefulness, attractiveness and quality; or
- iii. The land is incapable of appropriate sport and recreational use due to its size, location and physical conditions; or
- iv. In the case of playing fields:
  - The sport and recreation facilities on a site would best be retained and enhanced through the development of a small part of the site, and the benefits of development to sport and recreation clearly outweigh the loss of the land; or
  - The proposal involves the development of an alternative indoor or outdoor sports facility on the site, and the benefits of development to sport and recreation clearly outweigh the loss of the playing fields;
- v. The applicant can demonstrate that the loss would not cause significant harm to the amenity and local distinctiveness of the local area.

B. Development proposals that would involve the loss of existing indoor public and private sport and recreation facilities will be permitted only where:

- i. Their loss would not adversely affect the existing and potential sport and recreational needs of the local population, making allowance for the likely demand generated by allocations in this plan; or
- ii. A satisfactory replacement facility is provided on the same grounds as criterion A. ii. above; or
- iii. They are incapable of continued sport and recreational use.

The site is not an allocated site for development (such as Employment or Housing) under the current Harrogate District Local Plan. A new local plan is

being created currently for the whole unitary authority area, and this process includes a 'call for sites'. This stage is an opportunity for land owners, site promoters, developers or other interested parties to put sites forward for consideration in the new local plan to meet the future needs of the area. The above site has not been brought forward.

It was noted that the response was an expression of officer opinion only, was correct at the time of writing, and was given without prejudice to any decision the council may take at a later date.

## **LOCAL LAND CHARGES**

5.3 A search for Local Land Charges was undertaken. There were three local land charges, one related to a conditional planning consent to construct a ramp for access, one related to the site being within the Starbeck Conservation Area and one related to the site being within an Area of Special Control for Advertisements.

## **NYC PROPERTY**

5.4 The Property service were consulted and made the following comment:

The building is currently considered an operational asset, and there are no known plans to alter this status. Should this position change in the future, the timescales associated with the ACV process may require the council to retain the asset for longer than would otherwise be necessary, resulting in additional security and maintenance costs.

## **NYC ENVIRONMENTAL PROTECTION**

5.5 The Environmental Protection service were consulted, and noted that there were no Environmental Protection concerns about the nomination

## **NYC COMMUNITY SAFETY AND CCTV**

5.6 The Community Safety and CCTV service were consulted and made no comments.

## **NYC FARMING, FOOD AND HEALTH & SAFETY**

5.7 The Farming, Food and Health & Safety service were consulted and confirmed there were no comments about the site.

## **NYC LICENSING**

5.8 The Licensing service were consulted and had confirmed the premises was not licensed and there were no comments.

## **NYC LOCALITIES (COMMUNITIES) TEAM**

5.9 The Localities Service was consulted and made the following comments:

The local community appear to be proud of the pool and its heritage. People outside of Starbeck travel to the site and a number of local professional services refer individuals to the pool for health and wellbeing opportunities. The next nearest public swim facilities are at Jennyfields in Harrogate (3.5 miles away) or Knaresborough Leisure and Wellness Hub (2.2 miles away).

The baths provide swim opportunities for the public, but the site is set up for a specific purpose and therefore to our knowledge, does not provide a multi-use offer. The local bowling club is attached to the pool site, and there is local desire to ensure the sustainability of that club too.

There are a number of active community groups and organisations in Starbeck, and should the opportunity arise, we anticipate that there is the skillset locally within the community that could come together to form an appropriate group to look to take the building and continue to provide a local service; any group however, would need to be aware of the financial pressure of running and maintaining a swim facility.

## **LOCAL COUNCILLOR**

5.10 The Local Councillor was consulted, and no comments were directly received. The nomination form stated the following: "Cllr Chrissie Holmes (Ward Councillor for Starbeck) [noted that] the Baths provide an affordable leisure option in an increasingly expensive society, ensuring access to physical activity for residents who may otherwise face cost barriers.

## **6 ASSESSMENT INFORMATION**

6.1 In assessing the community value of Starbeck Swimming Pool all information received has been considered.

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

### **(i) Actual current use that is not an ancillary use**

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

- 6.3 The nominating group provided information about current uses including frequency and regularity, these are listed below:
- The swimming pool was one of very few leisure facilities within Starbeck
  - It was accessible and in walking distance for many residents.
  - Its current main use was for physical exercise, recreation, structured sport, education and therapeutic activities
  - Demand and use data from North Yorkshire Council was provided
  - The nominating group had undertaken a resident survey with 143 responses received:
    - Over half of the respondents reported to use the site weekly
    - 100% of respondents reported the pool was important to the local community (99% “very important”)
    - The survey asked residents to identify how the facility furthered social interests and wellbeing (see paragraph 6.9)
- 6.4 The site is primarily used for swimming, with a programme of regular activities. It is clear from information available that the pool is open seven days a week with a programme of activities including many sessions catering for the local community and specific groups/activities.
- 6.5 It serves as an accessible sporting and recreational facility for individuals of all ages, abilities and backgrounds. The pool also hosts warm-water aquatic therapy sessions, aqua fitness, lessons including water safety and SEN sessions. Visitors and members are able to attend for a fee, which was described as ‘affordable’.
- 6.6 The nominating group provided demand/use data that had been published by North Yorkshire Council: “536 current fee-paying members as of 1 December 2025, including substantial youth participation (376 aged 0–16) and older residents (77 aged 60+). In addition, 1,131 “Pay As You Go” attendances were recorded in November 2025 alone.”
- 6.7 The pool has a long-standing presence in the community since being built in 1870 (although historic use may have been more focussed on visitors to Harrogate as a ‘Spa Town’). Survey responses indicated the building itself, which retains many original features.
- 6.8 There is significant evidence to demonstrate longstanding use of the site as a swimming pool. The response from NYC’s Planning Service confirmed a planning application relating to development of the swimming pool site in 1987. The site visit confirmed the pool was actively used by a range of people including single people, people in wheelchairs and people with their carers.
- 6.9 The main use of the nominated site is as a public swimming pool and its associated uses of physical exercise, recreation, structured sport, education and wellbeing/therapeutic activity. Evidence available demonstrates that use of the site is consistent and frequent, activities occur seven days a week and

the site is accessible, and operations are inclusive with dedicated SEND sessions. Currently it appears there is diverse membership across a range of age groups, abilities, those with SEND and potentially carers. The nomination references, including published data and a resident survey, alongside information available about the site provides significant evidence supporting these uses. For the purposes of assessment the non-ancillary use of the site is that of a public swimming pool and it is the actual, main use and current use of the site. ***There is sufficient information provided to demonstrate significant actual use as a public swimming pool and therefore the actual current use that is not an ancillary use element of the criteria is met.***

## **(ii) Furthering social wellbeing or social interests**

- 6.10 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’.
- 6.11 Starbeck Swimming Pool caters for social interests specifically sporting, recreational interests due to its use as a swimming pool and cultural interests through the historic building. This was clearly evidenced through visiting the site as part of the assessment process.
- 6.12 The nomination provided the following information linked to furthering the social wellbeing and interests of the local community, this included the results of a survey of local residents that received 143 responses:
- Recreational and Sporting Interests: General swimming, lane swimming, adult swimming, family swimming, aqua fitness, children’s lessons and structured club use.
  - Education and Life Skills: School swimming and learn-to-swim provision supporting water safety and curriculum requirements.
  - Health and Rehabilitation: Warm-water aquatic therapy sessions, including hospital-referred patients, supporting rehabilitation and recovery. Survey responses identify “Loss of Health and Wellbeing” (140 selections) and “Mental Health Benefits” (128 selections) as major concerns if access were lost.
  - Accessibility and Inclusion: Dedicated accessible and SEN swim sessions, supporting disabled residents and those with additional needs. Survey responses identify “Accessibility and Inclusion” (120 selections) as a key community value.
  - Affordability and Social Equity: As noted by Cllr Chrissie Holmes (Ward Councillor for Starbeck) the Baths provide an affordable leisure option in an increasingly expensive society, ensuring access to physical activity for residents who may otherwise face cost barriers.
  - Cultural and Heritage Interest: Built in 1870, the Baths form part of Harrogate’s wider spa heritage and remain of historical importance to the local community. The building retains many original features, contributing to local identity and sense of place. Survey respondents identified “Heritage and Identity” (116 selections) as a significant community value.

6.13 It is recognised in the ACV regime that “social interests” includes in particular cultural, recreational and sporting interests. The nominated site furthers social wellbeing and social interests due to sporting, recreational and cultural functions. Sporting interests are supported through structured swimming lessons, lane swimming and club activities that promote physical activity and skill development. Recreational interests are advanced by providing general, family and accessible swim sessions that enable inclusive leisure participation across all age groups. Cultural interests are upheld through the building’s historic significance and its role in maintaining local heritage and identity, offering a valued community space with longstanding social importance. **The uses detailed are therefore considered to further the social wellbeing or social interests of the local community and this element of the criteria is therefore met.**

### (iii) Local Community

6.14 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.

6.15 Starbeck Swimming Pool dates from the 1870s and has since become a part of the local community. The pool is well used by members and ‘pay as you go’ visitors.

6.16 In terms of local community there were some references within the nomination form, including:

- Starbeck Swimming Pool significantly furthers the social interests and social wellbeing of the local community in Starbeck and the wider Harrogate area
- One of the very few leisure facilities located within Starbeck itself
- Within walking distance for many residents
- 536 current fee-paying members as of 1 December 2025, and over 1,100 ‘pay as you go visitors’ in a month
- Built in 1870, the site forms part of Harrogate’s wider spa heritage and remains of historical importance to the local community, the building retains many original features, contributing to local identity and sense of place

6.17 The nominating group undertook a survey of local residents that received 143 responses (paragraph 6.9).

6.18 The nominating group notes that local healthcare providers refer patients to Starbeck Swimming Pool for aquatic therapy and activities that support rehabilitation and recovery.

6.19 Information available from ONS indicated there were around 12,000 people living within 1km of the nominated site. The nominating group also stated that

the facility was in walking distance for many residents, there were good public transport links and dedicated off-street parking available too. Long opening hours, over seven days enhance the accessibility for local people, widening the demographics of potential user groups.

- 6.20 The range of activities and uses detailed in previous sections demonstrate that nearly every members of the local community could access the site should they wish to. The nomination references that fees are affordable which would be beneficial to the local community, especially in the context of indices of deprivation data referenced at paragraph 4.1.
- 6.21 As noted in paragraph 5.9 and 6.3 this was the only swimming pool in the Starbeck area, although there were other pools a little further away, there were also very few leisure facilities within Starbeck itself. The swimming pool was situated in a quiet, well-established area adjacent to a bowling green and allotments. Its position within a built-up residential area makes it highly accessible to many residents while remaining away from the bustle of the high street. This setting provides a tranquil environment that enhances its value as a community asset, additionally the building itself is regarded as a local heritage asset and was of historical significance to the local community. The proximity to the bowling green and allotments offers opportunities for complementary use, allowing individuals to enjoy different facilities without the need to travel significant distances. Together, these factors contribute to the site's potential to deliver enhanced social and recreational benefits to the local community.
- 6.22 The local community served by the swimming pool comprises residents and groups within Starbeck and its surrounding areas who benefit from accessible opportunities for recreation and sporting interests, in a setting of significant cultural and heritage interest. This includes individuals who are referred to use the facilities by local healthcare professionals.
- 6.23 ***It is therefore reasonable to determine that the identification of the local community required by the legislation is Starbeck and the pool's members who use the site on a regular basis, with other local residents and community who use of the site on a regular and ad-hoc basis, therefore this element of the criteria is met.***
- b) **CONDITION TWO - It is realistic to think that there can continue to be a non-ancillary use of the building or land which will further the social wellbeing or social interests of the local community, although the use does not have to be the same.**
- 6.24 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**).
- 6.25 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.

6.26 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”.

6.27 This criteria 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. Therefore it is the assessment of whether the current uses identified under condition one, can realistically continue, that is required.

6.28 In terms of realistic continued use, the following information has been considered:

- The site is owned by North Yorkshire Council and is not currently for sale
- Consultation with NYC Property Services confirmed the site was an operational asset with no known plans to alter that status
- The site is managed by North Yorkshire Council (Active North Yorkshire)
- The site has a long-standing history as a swimming pool (since the 1870s) and there is no reason to believe this will cease to exist in the future
- The longevity of the site and its planning status as a locally designated heritage asset demonstrate significant cultural and historical value
- Recent usage data was provided with the nomination
- There were no other swimming pools in Starbeck and the area had very few other leisure facilities
- There were no current, and only one historic, planning applications relating to this site, with no applications for a change of use

6.29 There were no current planning applications on the site. The only previous historic application related to the construction of a ramp to make the site more accessible. Planning policy would likely offer some protection of the site in terms of continuation of use, see details at paragraph 5.2 and the reference to the specific policy any future planning application would be assessed against (protection of existing sport, open space and recreational facilities). The site had not been identified as an allocated site for development through current consultations to develop a new local plan.

- 6.30 From an operational standpoint, the consultation response from NYC's Property Services demonstrated that the building was currently an operational asset with no known plans to alter this status.
- 6.31 The nominating group provided recent usage data (paragraph 6.6). As of 1 December 2025, the pool had 536 fee-paying members (376 aged 0–16 and 77 aged 60+). There were also 1,131 "Pay as You Go" visits in November 2025. This indicates the site is well used. Although no data was provided to show trends over time, the volume of current memberships and visits, together with the pool's long history dating back to the 1870s, suggests strong and ongoing support from local residents and healthcare prescribers. No information was supplied to suggest this support is likely to decline.
- 6.32 As stated previously the test for this condition does not require the likely future use of the relevant land or building to be determined but rather to determine whether future community use is one of a number of realistic options.
- 6.33 In summary the evidence indicates that continued community use of Starbeck Swimming Pool remains a realistic option. The site is owned and operated by North Yorkshire Council with no plans for disposal or change of status, and planning records show no current applications and only one historic accessibility-related proposal. Planning policy would also offer protection for its recreational use. The pool's long history, heritage value, and lack of alternative local facilities reinforce its ongoing role. Future community use is therefore one of a number of realistic options.
- 6.37 ***Based on the information it is therefore reasonable to determine 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, and this criteria is therefore met.***

### **c) Conclusion**

- 6.38 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.
- 6.39 A valid nomination to register Starbeck Swimming Pool 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 two criteria as detailed in the Localism Act 2011 Section 88 (1) see below:

**Condition One** - *There is an actual current use of the building or land that is not an ancillary use furthers the social wellbeing or social interests of the local community*

**(See paragraphs 6.2-6.23)**

- 6.40 The information provided demonstrates actual uses of Starbeck Swimming Pool that are non-ancillary, and further the social wellbeing or social interests of the local community. ***This Condition is therefore met.***

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

**(See paragraphs 6.24-6.37)**

- 6.41 Future community use is one of a number of realistic options. It is therefore reasonable to determine that there can continue to be non-ancillary use of the building or land which will further the social wellbeing or social interests of the local community, noting that the use does not have to be the same as existing uses. ***This Condition is therefore met.***

- 6.42 The evidence demonstrates that the nomination meets the definition of community value as detailed in the Localism Act 2011. It is therefore recommended that Starbeck Swimming Pool is listed as an Asset of Community Value and placed on the North Yorkshire Council List of Successful Nominations.

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

## **7. ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 None. In considering the nomination for Starbeck Swimming Pool, Spa Lane, Harrogate HG2 7JF, 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 If the property is placed on the List of Successful Nominations all parties will be advised of the outcome of the decision, and the council's reasoning for it.
- 10.2 The owner will be advised of the implications of the listing, and the right to seek a review of the council's decision. This is required to be within 8 weeks of the decision.
- 10.3 The listing will be registered as a Local Land Charge against the property/land and an application made to the Land Registry to enter details on the title to the property/land.
- 10.4 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.
- 10.5 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).
- 10.6 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).
- 10.7 The owner of the site is North Yorkshire Council.

## **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.

### **14. REASONS FOR RECOMMENDATIONS**

14.1 The evidence demonstrates that the nomination for Starbeck Swimming Pool meets the definition of community value as detailed in the Localism Act 2011.

### **15. RECOMMENDATION(S)**

It is recommended that the Head of Localities:

- (i) Determines that the nomination for the Starbeck Swimming Pool, Harrogate (NYCACV0075) 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 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

10 April 2026

Report Author – [assetsofcommunityvalue.NYC@northyorks.gov.uk](mailto:assetsofcommunityvalue.NYC@northyorks.gov.uk)

Presenter of Report – [assetsofcommunityvalue.NYC@northyorks.gov.uk](mailto:assetsofcommunityvalue.NYC@northyorks.gov.uk)

Website/references:

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

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

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

<https://deprivation.communities.gov.uk/about-your-neighbourhood/E01027729?postcode=HG27JF>

<https://www.northyorks.gov.uk/active-north-yorkshire/active-north-yorkshire-venues/starbeck-swimming-pool/opening-hours-and-facilities-starbeck-swimming-pool>



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

## 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>Harrogate Town Council is a statutory parish council operating within the administrative area of North Yorkshire Council.</p> <p>The Council represents the residents of Harrogate, including the Starbeck area, and its activities are wholly concerned with the social, economic and environmental wellbeing of the local community within North Yorkshire.</p> <p>As a democratically elected local authority established under the Local Government Act 1972, Harrogate Town Council's functions and responsibilities relate directly to the administrative area of North Yorkshire.</p> <p>The Council therefore clearly satisfies the local connection requirement under the Assets of Community Value provisions of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.</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) – Council's Standing Orders	x
Other	

## Section 2: About the asset

### Section 2A: Basic details

Please provide basic details about the asset

Type of land/building (for example, pub, shop)	Swimming Pool
Name of the premises	Active North Yorkshire - Starbeck Swimming Pool
Address of the premises	Spa Lane, Harrogate, HG2 7JF

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

<b>Name of the owner</b>	North Yorkshire Council
<b>Address of the owner</b>	County Hall, Racecourse Lane, Northallerton, North Yorkshire, DL7 8AD
<b>Contact details for the owner</b>	<a href="https://www.northyorks.gov.uk/your-council/get-touch/contact-us">https://www.northyorks.gov.uk/your-council/get-touch/contact-us</a>
<b>Name of any other occupier</b>	None known.
<b>Name of any other person with an interest in the premises</b>	None known.
<b>Address of any other person with an interest in the premises</b>	n/a
<b>Contact details for any other person with an interest in the premises</b>	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?

Starbeck Swimming Pool's current main (non-ancillary) use significantly furthers the social interests and social wellbeing of the local community in Starbeck and the wider Harrogate area.

The facility is one of the very few leisure facilities located within Starbeck itself. It provides accessible opportunities for physical exercise, recreation, structured sport, education and therapeutic activity within walking distance for many residents.

Demonstrable current demand and use is evidenced by North Yorkshire Council data confirming 536 current fee-paying members as of 1 December 2025, including substantial youth participation (376 aged 0–16) and older residents (77 aged 60+). In addition, 1,131 "Pay As You Go" attendances were recorded in November 2025 alone.

Harrogate Town Council's resident survey (143 responses) demonstrates the facility's ongoing importance:

58.0% of respondents use the Baths at least weekly.

100% of respondents state the Baths are important to the local community (98.6% "very important").

The facility furthers social interests and wellbeing through:

- **Recreational and Sporting Interests**

General swimming, lane swimming, adult swimming, family swimming, aqua fitness, children's lessons and structured club use.

- **Education and Life Skills**

School swimming and learn-to-swim provision supporting water safety and curriculum requirements.

- **Health and Rehabilitation**

Warm-water aquatic therapy sessions, including hospital-referred patients, supporting rehabilitation and recovery. Survey responses identify "Loss of Health and Wellbeing" (140 selections) and "Mental Health Benefits" (128 selections) as major concerns if access were lost.

- **Accessibility and Inclusion**

Dedicated accessible and SEN swim sessions, supporting disabled residents and those with additional needs. Survey responses identify "Accessibility and Inclusion" (120 selections) as a key community value.

**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?**

• **Affordability and Social Equity**

As noted by Cllr Chrissie Holmes (Ward Councillor for Starbeck) the Baths provide an affordable leisure option in an increasingly expensive society, ensuring access to physical activity for residents who may otherwise face cost barriers.

• **Cultural and Heritage Interest**

Built in 1870, the Baths form part of Harrogate's wider spa heritage and remain of historical importance to the local community. The building retains many original features, contributing to local identity and sense of place. Survey respondents identified "Heritage and Identity" (116 selections) as a significant community value.

In combination, the facility furthers recreational, sporting and cultural interests and makes a substantial and measurable contribution to social wellbeing within the meaning of Section 88 of the Localism Act 2011.

**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.**

It is realistic to think that Starbeck Swimming Pool can continue to have a main use which furthers the social interests and social wellbeing of the local community.

The Baths have an established and diverse user base, with 536 current members and over 1,100 monthly casual attendances. Survey evidence demonstrates both high frequency of use and universal recognition of importance within the community.

The facility meets ongoing and identifiable needs in:

- Physical exercise and mental wellbeing
- Children's education and water safety
- Accessible and inclusive provision
- Rehabilitation and therapeutic health support
- Affordable leisure access
- Preservation of local heritage

Although the Baths have experienced temporary closures in the past for repairs and operational matters, these interruptions did not diminish community demand, and the facility reopened and resumed community use.

The building is purpose-built aquatic infrastructure with established plant systems and retained historic features. Its configuration makes it inherently suited to continued swimming, therapeutic, educational and heritage-related community use.

Given the demonstrable demand, community support, affordability, therapeutic function and cultural significance, it is realistic to think that the main use will continue to further the social interests and social wellbeing of the local community.

**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?**

Although Starbeck Swimming Pool is currently in active operation, it is realistic to think that, if the facility were to cease operating temporarily, it could be brought back into a use that furthers social interests or wellbeing within five years.

The Baths have previously reopened following temporary repair and operational closures, demonstrating resilience and reinstatement capability.

The building's physical infrastructure is purpose-built for aquatic activity, and there is strong, measurable and ongoing community demand. North Yorkshire Council's data confirms 536 members and 1,131 PAYG attendances in November 2025. The Town Council's survey confirms universal recognition of the asset's importance.

As one of the few leisure facilities within Starbeck, and given its affordability, therapeutic provision and heritage value, it is realistic to think that the asset could be reinstated within five years for swimming, therapeutic, educational or other water-based community use that furthers social interests and wellbeing.



### 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	Standing Orders
A clear plan defining the land/premises being nominated	Land Registry Plan – See area shaded grey.

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](mailto:AssetsofCommunityValue.NYC@northyorks.gov.uk)

If you require any assistance, please contact [AssetsofCommunityValue.NYC@northyorks.gov.uk](mailto:AssetsofCommunityValue.NYC@northyorks.gov.uk)

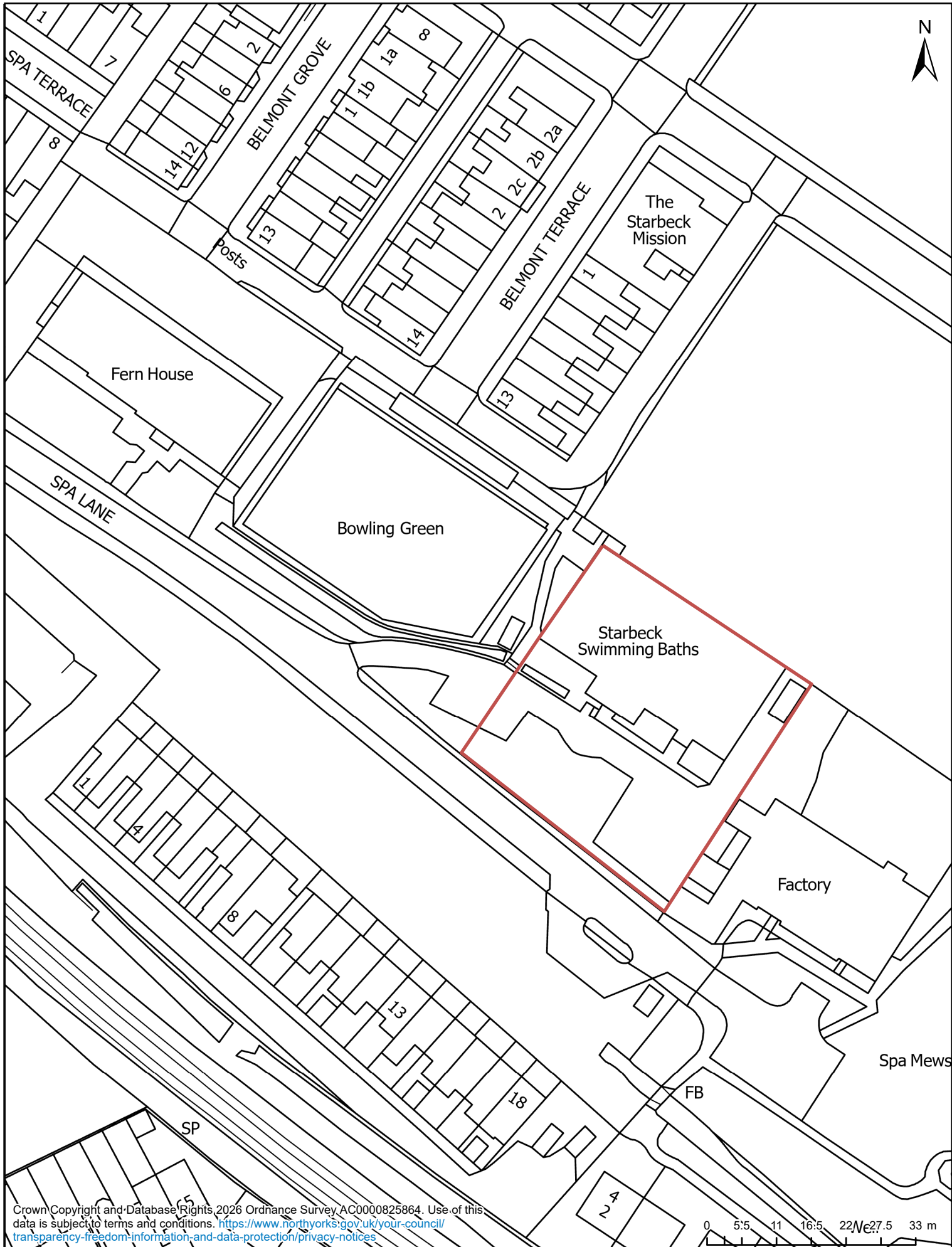
#### Privacy notice

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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**NORTH YORKSHIRE COUNCIL**

County Hall, Racecourse Lane, Northallerton, DL7 8AD. Telephone: 0300 131 2131

**MAP TITLE:**  
Starbeck Swimming Pool

Date Printed: 19/03/2026

Scale: 1:750

Map Center Point:  
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