

Asset of Community Value

Langton Matravers Parish Council, were recently informed by Dorset Council that previously registered Assets of Community Value are coming to the end of their term. These assets are St Georges Playing Field, the Scout Hut, the Parish Council Office / Public Toilets & the Village Hall.

The Parish Council act on behalf of the majority of the residents, and therefore if the Parish Council believes the majority of the community value these properties and the service or function they offer to the community the Parish Council should apply to have these assets relisted. There is no guarantee Dorset Council will approve the application.

The Parish Council received a list of other potential assets of community value, and this list was present during the February meeting alongside the draft application forms for the previously listed assets. This list included the Allotments, the Museum, the Old Malthouse (tennis courts & walled garden / allotments), Putlake, the Kings Arms, the Timson Cottages, Speakers Corner, & the Woodland Trail / Orchard. During the February 2024 Langton Matravers Parish Council meeting, Councillors agreed that all these sites are greatly value by the community, for varying reasons, all linked to social well-being, and therefore applications should be submitted to Dorset council to have them listed as an Asset of Community Value.

The right to bid

“The Community Right to Bid, introduced by the Localism Act 2011, allows local community or voluntary bodies and parish councils to identify and nominate land and buildings that are important to them to be included on a list of assets of community value (ACVs).” (Dorset Council, 2024)

Relationship to planning

“An Asset of Community value listing does not place any restriction on what an owner can do with their property, once listed, if it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed as an ACV may affect planning decisions – it is open to the Local Planning Authority to decide that listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.” (Planing Aid England, n.d.)

In the following extract reference to Local authority means Dorset Council.

Why we are introducing these provisions

Over the past decade communities have been losing local amenities and buildings of great importance to them – the village or housing estate shop or pub or community centre or village hall. On average nearly 300 pubs¹ and 400 village shops² have closed each year. (Department for Communities and Local Government, 2011)

What the provisions do

“These provisions give communities a right to identify a building or other land that they believe to be of importance to their community’s social well-being. The aim is that, if the asset comes up for sale, then they will be given a fair chance to make a bid to buy it on the open market. If the nominated asset meets the definition of an asset of community value, the local authority will list it. The owner will have a right to an internal review by the council, and a right of appeal to an independent tribunal against the result of the internal review. Nothing further will happen unless and until the owner decides to dispose of the asset, either through a freehold sale, or the grant or assignment of a lease, granted for at least twenty-five years. A range of important types of disposal will be exempted from the provisions (see below). Unless an exemption applies, the owner will only be able to dispose of the asset after a specified window has expired. The first part of this window is an interim period, which will allow community interest groups to express a written intention to bid. If none do so in this period, the owner is free to sell their asset. If a community interest group does express an intention to

bid during this interim period, then the full window will operate. After that, the owner is again free to sell to whomever they choose, and no further window can be triggered for a protected period. “ (Department for Communities and Local Government, 2011)

Definition of Assets of Community Value

“We intend to table an amendment to place the definition of an asset of community value on the face of the Bill. This is the definition to which each local authority operating the scheme will refer when deciding whether a building or other land should be listed as an asset of community value. We intend that it will state that a building or other land should be considered an asset of community value if:

- its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and*
- that use is not an ancillary one; and*
- for land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and*
- it does not fall within one of the exemptions which we will be putting in regulations, e.g. residential premises and land held with them. “Social interests” will be defined to include cultural, recreational and sporting interests.”* (Department for Communities and Local Government, 2011)

Review of a listing decision and right of appeal

“The Bill provides for an owner to have a right to an internal review of a listing decision by the local authority. We intend to specify in regulations that the owner will also have a right of appeal to an independent tribunal, against the outcome of the review. We expect that these regulations will include the following:

- The owner of an asset that has been listed will have 28 days from the date of notification within which to write to the local authority to request an internal review.*
 - The owner will be able to present a case for removing the asset from the list based on whatever evidence they consider appropriate. We expect evidence will mainly consist of the following, but we do not intend to specify this in regulations:– the eligibility of the asset;– the eligibility of the nominator;– any new factors which have come to light since the original decision was made;– any irrelevant or improper matter which the local authority might have taken into account in reaching its original decision.*
 - The local authority must complete the internal review within 6 weeks from receipt of the request, or over a longer period if it has been agreed between the local authority and the owner in writing;*⁸
- | Assets of Community Value – Policy Statement*
- The internal review must be undertaken by an officer of appropriate seniority not involved in the original decision;*
 - An owner will have the right to request an oral hearing and to be represented at it by whomever they wish;*
 - There will be a right of external appeal by an owner who is dissatisfied with the outcome of the local authority’s internal review. We are proposing that the right of appeal process against listing is dealt with by the same appeals process as that for compensation. This is likely to be heard at the First-tier Tribunal.”* (Department for Communities and Local Government, 2011)

Permitted sales

“We intend that where there is a community interest group wishing to purchase a particular asset, and able to pay the price determined by the owner, the owner should have the option of disposing of the asset to that group without waiting till the end of the window to do so. This would allow local authorities to continue to make asset transfers to community interest groups without being restricted by the moratorium, and thus provides an opportunity for community interest groups to have a ‘right of first offer.’” (Department for Communities and Local Government, 2011)

Compensation

“We propose that all owners, other than public authorities, will be entitled to claim compensation for loss or expense incurred as a result of listing and complying with any of the procedures required by the scheme. The arrangements for compensation will be set out in regulations. We envisage, however, that the claim should be made to the local authority in writing within 90 days of the end of the interim or full moratorium period, whichever period is relevant to the claim. The burden of proof for any claim will rest with the owner. The compensation scheme will be administered by the local authority. The Bill provides for a power to give an owner a right to an internal review of a compensation decision by the local authority. The regulations will also provide for a right of appeal against a decision on compensation to the first-tier tribunal. We envisage that an appeal would have to be lodged within 21 days of receiving notification of the decision on compensation. This will be subject to the views of the appellate body who may suggest a standard approach of a different length.” (Department for Communities and Local Government, 2011)

Bibliography

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