

## Councillors Briefing Note

### No. 333

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### Community Right to Bid – Assets of Community Value

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#### **Purpose of Report**

To provide an update to members on the process and procedures around listing an Asset of Community Value (ACV) and provide information on the Councils responsibility with respect to Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Regulations 2012.

#### **Summary of Process**

Current legislation enables communities to ask the council to list certain assets as being of value to the community. If an asset is listed and then comes up for sale, the legislation gives communities six months to put together a bid to purchase the asset, if they so wish, but there is no requirement on the owner to consider any community bid.

Parish councils or local community groups can nominate both privately and publicly owned assets which meet the definition of community value. This is done by submitting, the prescribed nomination form to the Council listing the reasons why they believe that the current use of the asset furthers the social wellbeing or social interests of the local community, and that it is realistic to think it will continue to do so now or in the next 5 years.

Once the nomination form is received, the Council consults the Parish Council (if they are not the nominating party), the Community Engagement Manager and the Unitary Member, giving them 28 days to give any representations they may have in relation to the 'asset.'

The council will issue a decision within 8 weeks of the receipt of the nomination on the basis of whether the nomination and representations provides evidence to meet the definition of section 88 (1) of the Localism Act 2011, namely:-

- (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 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.

Further details and nomination form can be found on our website [here](#)

#### **Key Issues to Consider**

Whilst the purpose of the Act was to give community groups time to raise the funds to bid for the asset, to the best of our knowledge, only two out of the 101 nominations received by Wiltshire Council since the regulations were adopted have been purchased by community groups. Details of assets listed and nominated assets removed from the list of ACVs can be found on this [link](#).

Another benefit of the Act was that from 6<sup>th</sup> April 2015, any public house listed as an asset of community value resulted in the removal of its permitted development rights and therefore planning permission would subsequently be required for the change of use to the use classes A1 (Shops), A2 (Financial and Professional Services) and A3 (Restaurants and Cafes). This further encouraged community groups to nominate pubs meaning that the owners would have to apply for planning permission to change to these uses and the listing of the pub as an ACV would add weight to the argument for refusing the planning application.

However, as of 23<sup>rd</sup> May 2017, the General Permitted Development Order removed these previous permitted development rights, whether or not the pub was listed as an ACV, which rendered the ACV process less effective.

Wiltshire Council recognises the particular importance of local facilities and services in smaller communities in rural areas and our approach to protecting these is set out in Core Policy 49 of the Wiltshire Core Strategy, "Protection of rural services and community facilities" (See below).

## Core Policy 49: Protection of rural services and community facilities

### Community and rural facilities – supporting the post office, shop and public house

- 6.70 Local facilities and services are a vital part of the smaller settlements of Wiltshire<sup>98</sup> but despite this there has been a continued decline in many of these services. Overall, there has been a decline in rural post offices and petrol filling stations, and a more gradual decline in health facilities and general stores (although mobile stores are increasing). The threat to local services is exemplified in the national trend for closure of public houses which is reflected in Wiltshire. Public houses are important to the fabric of village life. There has been little evidence of the diversification into joint facilities as promoted nationally. It seems inevitable that this trend will continue unless we can produce two-fold measures based on firstly improving their viability by striving for sustainable communities, encouraging diversification, and secondly by taking a hard line on change of use applications. However, the latter will not work without the former.
- 6.71 Rural facilities and services are those that benefit the local community such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. There is a need to protect and encourage the development of rural services and facilities in Wiltshire to ensure that settlements, particularly those named in this Strategy, can still meet some of the day to day needs of the people who live in them. Core Policy 34 (Additional Employment Land) seeks to support the diversification of the rural economy, whilst Core Policy 48 (Supporting Rural Life) seeks to support rural life by allowing appropriate development to take place in the rural areas. Core

Policy 49 is complementary to Core Policies 34 and 48, and seeks to protect existing services and community facilities in Wiltshire.

## **Core Policy 49**

### **Protection of rural services and community facilities**

Proposals involving the loss of a community service or facility will only be supported where it can be demonstrated that the site/building is no longer economically viable for an alternative community use. Preference will be given to retaining the existing use in the first instance, then for an alternative community use. Where this is not possible, a mixed use, which still retains a substantial portion of the community facility/service, will be supported. Redevelopment for non-community service/ facility use will only be permitted as a last resort and where all other options have been exhausted.

In order for such proposals to be supported, a comprehensive marketing plan will need to be undertaken and the details submitted with any planning application. Only where it can be demonstrated that all preferable options have been exhausted will a change of use to a non-community use be considered. This marketing plan will, at the very minimum:

- i. be undertaken for at least six months
- ii. be as open and as flexible as possible with respect to alternative community use
- iii. establish appropriate prices, reflecting local market value, for the sale or lease of the site or building, which reflect the current or new community use, condition of the premises and the location of the site
- iv. demonstrate the marketing has taken into account the hierarchy of preferred uses stated above
- v. clearly record all the marketing undertaken and details of respondents, in a manner capable of verification
- vi. provide details of any advertisements including date of publication and periods of advertisement
- vii. offer the lease of the site without restrictive rent review and tenancy conditions, or other restrictions which would prejudice the reuse as a community facility
- viii. demonstrate contact with previously interested parties, whose interest may have been discouraged by onerous conditions previously set out.