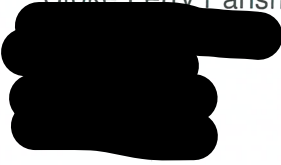


28 May 2019

Your Ref:

Our Ref: CM / 012687

Stoke Ferry Parish Council



Dear Stoke Ferry Parish Council,

ASSETS OF COMMUNITY VALUE- SUCESSFUL LACV APPRAISAL

With reference to the Council's letter dated 29th March 2019 regarding the nomination of the following asset for inclusion onto the List of Assets of Community Value (ACV).

ASSET NAME: The Blue Bell Public House

ADDRESS: The Blue Bell, Lynn Road, Stoke Ferry, King's Lynn PE33 9SW

ASSET REFERENCE: 012687

LACV

Having considered the information supplied by Stoke Ferry Parish Council as nominee and all additional written representations from all interested parties the Council has categorised this nomination as **SUCCESSFUL**.

The Council's reasoning for determining the nomination in this way is as follows:-

Eligibility of the nomination

Part 5, Chapter 3 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 (2012 Regulations) allows a nomination to be accepted from; a Parish Council, Neighbourhood Forum, an Unincorporated body or a Community Interest Group with a local connection.

The nominator of the land is the Stoke Ferry Parish Council. The nominator has submitted a valid application which sets out the details of the land and the reasons why the nominated

land should be listed as an ACV. In support of the application, the Parish Council have provided a map outlining boundary of the land/building they wish to nominate. The Council is therefore satisfied that this is a eligible nomination within the meaning Part 5, Chapter 3, 2011 Act and Regulation 5 of the 2012 Regulations.

Does the Asset meet the test for an asset of community value?

S88 (1) Localism Act 2011 provides that;

A building or other land in the local authority's area is land of community value if in the opinion of the Council –

- a) An actual current use of the building (or other land) or, use of the building / land in the recent past that is not an ancillary use which furthers the social wellbeing or social interests of the local community, and;
- b) It is realistic to think that there can continue to be or will be in the next five years 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.

The nominated land is the Blue Bell Public House which is a village pub which falls within the Stoke Ferry Parish boundary. The nominator of the land notes that the pub ceased trading in March 2018. In applying the test set in the Localism act 2011, it is clear that there is no 'current use' of the building or land which would further the social wellbeing of the local community. As such, it is also difficult to apply the test set in subsection (1) (b) in considering the 'realistic' element of the asset.

With that in mind, the Council must also take into account the criteria set in subsection (2) in determining whether the Bluebell Public House is an Asset of Community Value. The test in subsection (2) provides;

A building or other is of community value if it is in the opinion of the local authority-

- a) There is time in the recent past when an actual use of the building or other land that was not ancillary use furthered the social wellbeing or interest of the local community, and;
- b) It is realistic to think that there is 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) further the social wellbeing or social interests of the local community

Whilst there is no statutory definition or guidance on what constitutes 'recent past', the Borough Council of King's Lynn and West Norfolk adopts the same approach in *Worthy Developments v Forest of Dean DC CR/2014/0005 at para 14* in which 'recent past' was thought to be the five year period preceding the nomination. It is therefore in the Council's view that the period between March 2018 (when the public house ceased trading) and May 2019 qualifies for 'recent past' and therefore the nominated land can be considered under the test in subsection 2.

The applicant notes that in the 'recent past' the Blue Bell Public house has been a "necessary public meeting place and a place of recreation and companionship" for the local community of Stoke Ferry. Further, the pub has been a venue for local events such as quizzes, disco and karaoke evenings. The Blue Bell is also seen to have provided employment opportunities for the local residents of Stoke Ferry. These activities stated in the application, are considered evidence of actual use of the building which further the social wellbeing or interests of the local community and upon seeking further clarification from the applicant, it was confirmed that the majority of the activities stated, were taking place right up until the nominated land's closure.

There appears to be a real sense of community spirit in relation to the use of the nominated asset. In particular, the applicant notes that the pub has been a hub for fundraising activities and in 2011, it was host to a village yard sale which raised funds for a children and young people's hospice. Whilst these activities demonstrate actual use which furthers the social wellbeing and interest of the local community, the Council is of the view that 2011 does not constitute time which is of the 'recent past'. Further, the applicant provides that the asset was home to the Wissey Valley Brewery however, on looking online, it is thought the brewery function was there between 2003-2006; again, the Council does not believe this is within the 'recent past'. However, these points do not take away from the fact that when opened and until it's closure, the Blue Bell Public House played an active role within the local community and the provided the locals with a sense of togetherness.

The ACV legislation require for there to be an 'an actual... use of the building ...use of the building or other land that [was] not an ancillary use'. The applicant notes that the nominated land is a 2-storey building which has residential quarters on the first floor and the pub on the ground floor. Looking at the application, it is clear that the primary use of the nominated land, is as a public house, therefore it can be inferred that the residential quarters on the first floor are ancillary to the public house aspect of the building.

Further, the Council puts great weight on the applicant's claim that the nearest public house from the Stoke Ferry village is 3 miles away. Based on this, it can be argued that when trading, the Blue Bell was the only public house in the area providing the facilities for locals to socialise and further their social interest and wellbeing. The Council recognises the increasing demand for local amenities within small communities such as Stoke Ferry and taking into account the needs of Stoke Ferry, public house facilities such as the Blue Bell, are vital in tackling loneliness amongst the older generations and give individuals a sense of wellbeing.

In satisfying the second test in subsection (2), it must be considered if it is realistic to think there could be a future community use of the Blue Bell which is not ancillary use. The Council applies the same consideration in *Evenden Estates v Brighton and Hove City Council* in that "what is realistic may admit a number of possibilities, none of which needs to be the most likely outcome". Applying this test to the application, it is noted that the Blue Bell still retains its license for the retail of alcohol for consumption on or off the premises therefore, it can be argued that in the next five years, there can be continued use of the Blue Bell as a public house. The applicant notes many other realistic opportunities/functions of the nominated land which will further the community use of the asset. Regardless of what the actual future use of the asset will be, the Council believes it is realistic to think this use will be public focused and will most likely further the social wellbeing/interest of the local community. This is evidenced by the fact that there is a lot support within the village for the continued use of the asset and there is growing commitment to saving the asset.

It must be noted that the Council took into account the owner's objections in that, listing the building as an Asset of Community Value may have a detrimental effect when the nominated

land is put on the market and it would result in unnecessary and costly delays in allowing the site to be sold. The Council took the view that this objection was mainly related to compensation schemes for private property owners following an asset being listed as an ACV and could not be addressed in the initial ACV determination. Nevertheless, the Council recognises that the Blue Bell Public House being listed as an ACV may have a financial impact on the owners and this impact can only be considered after the owners decide to exercise their rights of review and appeal regarding the Council's decision.

Having taken all the above into account, the Borough Council of King's Lynn is of the opinion that the Blue Bell Public House meets the test for an Asset of Community Value. The Council will now add this nomination to the List of Assets of Community Value for a period of five years. This list is available to view on the Council's website

Please note that the owner has a right to request an Internal Review no later than 8 weeks from the date of this letter if dissatisfied with the decision. For more details please refer to the Procedure Guide.

If you have any questions regarding this letter please contact the Council using the details shown above.

Yours faithfully



Legal Assistant

Legal Services

E-Mail

DX: