

CHAPTER 3, PART 5 OF THE LOCALISM ACT 2011
ASSETS OF COMMUNITY VALUE (ENGLAND) REGULATIONS 2012

NOMINATION OF BUILDING OR LAND TO BE INCLUDED IN
LIST OF ASSETS OF COMMUNITY VALUE

DELEGATED REPORT

Reference: PR86-021

Case Officer: Darren McBride

Site Address: The Wolfson Lecture Theatre and its adjacent car park,
High Street, Wye, Ashford, Kent TN25 5AL

Title Number(s): TT43347 (Freehold)(Part)

Nominating Body: Wye with Hinxhill Parish Council

Nomination Validated: 23 January 2017

Deadline Date: 20 March 2018

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Introduction

Under the Localism Act 2011 ('the Act'), the Council must maintain a list of buildings or other land in its area that are of community value, known as its 'List of Assets of Community Value'.

There are some categories of assets that are excluded from listing, the principal one being a residential property. There is, however, an exception to this general exclusion where an asset which could otherwise be listed contains integral residential quarters, such as accommodation as part of a pub or a caretaker's flat.

Generally, buildings or land are of community value if, in the opinion of the Council:

- 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
- 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 community¹.

¹ Subsection 88(1) of the Act
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Buildings or land may also be of community value if in the opinion of the Council:

- 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 social² interests of the local community, and
- 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 community³.

Buildings or land which are of community value may only be included in the 'List of Assets of Community Value' in response to a community nomination by certain specified bodies such as parish councils or voluntary or community organisations with a local connection.

A valid community nomination must contain certain information, including:

- a description of the nominated building or land including its proposed boundaries
- a statement of all the information which the nominator has with regard to the names of the current occupants of the land, and the names and current last-known addresses of all those holding a freehold or leasehold estate in the land
- the reasons for thinking that the Council should conclude that the building or land is of community value
- evidence that the nominator is eligible to make the community nomination

A valid community nomination must be determined within eight weeks. In this instance, the nomination was validated by the Council on 23 January 2018 and so must be determined by 20 March 2018.

If the Council accepts a valid nomination then it must be included on the 'List of Assets of Community Value'. If the Council does not accept that the asset nominated meets the statutory definition, or if it is one of the excluded categories, then the valid nomination must be placed on a 'List of Assets Nominated Unsuccessfully by Community Nomination'.

Procedure

Information about this community nomination has been sent to the following:

- Wye with Hinxhill Parish Council (the nominating body)
- Freehold Owner(s)

² Note: the wording of this condition is different to all the other conditions in that it refers to furthering 'the social wellbeing or interest of the local community' rather than 'the social wellbeing or *social* interests of the local community'. However, in *St. Gabriel Properties Limited v London Borough of Lewisham and another (2015)*, Judge Warren held that the word 'social' should be read in here (*para. 27*)

³ Subsection 88(2) of the Act

- Cllr G Clarkson (Leader of the Council)
- Cllr G Bradford (Portfolio Holder for Health, Parking and Community Safety)
- Cllr J Webb (Deputy Portfolio Holder for Health, Parking and Community Safety)
- Cllr N Ovenden (Ward Member)

If the Corporate Director (Law and Governance) and Monitoring Officer includes the asset on the Council's 'List of Assets of Community Value' then the owner has the right to request, within eight weeks from the date when written notice of listing is given, the Chief Executive to review the decision.

If the owner is not satisfied with the outcome of the internal listing review then they have the right to appeal to the General Regulatory Chamber of the First-Tier Tribunal against the review decision.

The property will remain listed during the review and appeal process.

Consequences of Listing

If an asset is listed nothing further happens unless and until the owner decides to dispose of it. If the owner does decide to dispose of the asset then, unless an exemption applies, the owner must first notify the Council in writing.

Interim Moratorium

There is then a six week interim period from the point the owner notifies the Council. The Council must then inform the nominating community group who may then make a written request to be treated as a potential bidder. If they do not do so in this period then the owner is free to sell their asset at the end of the six week period.

Full Moratorium

If a community interest group does make a request during this interim period, then a full six month moratorium will operate. The community group does not need to provide any evidence of intention or financial resources to make such a bid.

During this full moratorium period the owner may continue to market the asset and negotiate sales, but they may not exchange contracts (or enter into a binding contract to do so later). There is one exception: the owner may sell to a community interest group during the moratorium period.

After the moratorium – either the interim or full period, as appropriate – the owner is free to sell to whomever they choose and at whatever price, and no further moratorium will apply for the remainder of a protected period lasting 18 months (running from the same start date of when the owner notified the Council of the intention to dispose of the asset).

Compensation

Private owners (not public bodies) may claim compensation for loss and expense incurred through the asset being listed. This may include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal to the First-Tier Tribunal. The assumption is that most claims will arise from a moratorium period being applied; however, the wording of the legislation does allow for claims for loss or expense arising simply as a result of the asset being listed.

The Council is responsible for administering the compensation scheme, including assessing and determining compensation awards.

As with the listing itself, an owner may request an internal review of the Council's compensation decision. If the owner remains unsatisfied then they may appeal to the General Regulatory Chamber of the First-Tier Tribunal against the review decision.

Assessment

The nominating body is 'a voluntary or community body' with 'a local connection', as defined in Regulations 4 and 5 the Assets of Community Value (England) Regulations 2012 ('the Regs').

The community nomination contains the information required by Regulation 6 of the Regs for it to be considered by the Council.

The community nomination form asked the nominating body to provide their reasons for thinking that the Council should conclude that the building/land is of community value. In this case, the nominating body has confirmed that the nominated building has been closed since October 2015 and so the questions and answers state as follows⁴:

Q1. *If the land/buildings(s) main use in the recent past furthered the social wellbeing or social interests of the local community please confirm that use and explain how it did that (including dates for when this was)...*

A1. **'1989 - June 2009**

'The educational use of the Wolfson Lecture Theatre (WLT) and associated Car Park (CP) ended in June 2009, with the graduation of the final cohort of students and the formal closure⁵ of Imperial College at Wye (Wye College) as an higher educational campus in October 2009.

⁴ Note: The nomination form contains a number of links to on-line information/documentation. For the sake of brevity, the contents of the on-line material is not reproduced in this report but the link addresses are all reproduced as footnotes.

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https://haveyoursay.ashford.gov.uk/consult.ti/trsDPD_reg27_09/viewRepresentation?repid=946005&nextURL=%2Fconsult%2Eti%2FtrsDPD%5Freg27%5F09%2FlistRepresentations%3FagentUID%3D%26objectorUID%3D4483297%26byUID%3D4483297%26byCommonName%3D%26docid%3D%26repid%3D%26partId%3D%26repidstyle%3Dexact%26repstatusList%3DM%26repTypeList%3D1%252C2%252C3%26lastModifiedDateStr%3D%26sea
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'Prior to its closure the WLT and the CP had also been used by Wye with Hinxhill Parish Council and a wide range of local charities, youth and community groups. Community use took place at weekends in term time, and long student vacations, and during term time when Imperial College did not need the facilities. As a matter of record, WLT provided a good facility for community use for some 20 years prior to 2009, and exclusively for a further six years until October 2016.

'In summary, the WLT provides: a very effective independent heating system; electrically controlled full blackout curtains; good sound and heat insulation; double glazing; ceiling mounted air conditioning, a ceiling projector mount; electric screen; moveable furniture; a lectern, and a tiled floor that is easy to clean.

'The main entrance lobby off the High Street, though small, provides some circulation and storage space, and wall space for notice boards.

'WLT's good size, good acoustic, central location and the self-contained nature of the building, with its own level lobby access, WCs and adjacent Car Park, made the WLT a very practical and flexible building. WLT proved to be an attractive and adaptable venue, suitable for many community uses.

'The WLT was built to a high specification for a Fire Regulations capacity of 90 people. This space is a very practical size for community events in Wye.

'Furthermore, although it was built in 1989, WLT's main entrance ramp and double width doorway meet present Equalities Act 2010 requirements for wheelchair access.

'The fire escape door has level access to the adjacent Car Park. This door is also convenient for the movement of bulky items eg book fair exhibitors and caterers. This rear access also improves highway safety, as vans parked at the front on double yellow lines for loading and unloading would block sightlines and create an avoidable highway safety hazard.

'All these features ensured that WLT was a popular venue, and also a very comfortable, airy building that community groups liked to use all year round, whenever it was not in use by Wye College students.

'July 2009 - October 2015

'When Imperial College closed the Wye College campus in 2009 it meant the end of any competing educational use on the site. Community use

[rchterm%3D%26mailmerge%3DN%26searchchildren%3DY%26hasAgent%3D%2D%26hasAttachments%3D%26pageaction%3DF%26%26sort%3Dsubmitdate%26dir%3Ddesc%26startRow%3D1](#)

filled the vacuum with regard to WLT and the Car Park. Community social activities became de facto, the sole use of the WLT building, and these increased in range and frequency. Therefore from July 2009 onwards, the WLT functioned as a generic 'village hall' and community use also ceased to be ancillary. This is significant in terms of question 3 below.

'The Wye Campus Manager acted as site caretaker (for the previous owner Imperial College) and permitted community groups to use the WLT and the adjacent Car Park. In this sense WLT was functionally unlike a generic village hall in that Imperial College only allowed the Wye community to use it post 2009. The Parish Council and a range of community groups (see below) continued to use the WLT until its sale in October 2015 to Telereal Trillium (Tele-Property Investments Ltd).

'Without doubt, allowing the Parish Council and wide a range of local community groups to use the WLT and Car Park, established a point of contact and frequent opportunities for dialogue on other community matters and areas of mutual interest. This helped to repair the deeply fractured relationship and rebuild some trust between Imperial College London and the Wye community. The context for this breakdown is important. (The Wye Park Vision, in 2006, the letting of the College Farm in 2007, and the final winding down and closure of Wye College resulted in about 300 hundred redundancies. Particularly distressing were the redundant farm staff members who also lost their tied housing. Some of whom had lived and worked in Wye for decades and were very much part of the community).

'Recent community activities and social uses in WLT include:

'Statutory Annual Parish Meetings (the most recent being held 1st June 2015); ordinary and extraordinary Parish Council meetings; statutory Annual Parish Council Meetings; AGMs; 'Our Place Wye meetings'; Wye Book Fairs; workshops; exhibitions; Zumba dance classes; martial arts classes; Weightwatchers; Pilates exercise classes; youth club film shows; and similar community group meetings and fundraising activities. As an example:

Wye Heritage 21 October 2014⁶

WYE HERITAGE CENTRE AGM – THURSDAY

We look forward to welcoming you to the AGM on Thursday 23rd October in the Woolfson [sic] Lecture Room - Wye College. Join us for a glass of wine at 7.30. The AGM will be followed by an illustrated talk by Ian Coulson on 'Wye in the Great War'

'This particular event illustrates three significant points:

⁶ <https://www.facebook.com/WyeHeritage>
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'1. Although Wye Heritage had use of the Latin School, (Listed ACV PR86-019), it needed to hold the AGM in the WLT some 50m away as the Latin School was too small and impractical a venue for this event.

'2. The reference above to 'a glass of wine' indicates the important community development role of food and drink in community gatherings of all types. Typically there are opportunities for informal socialising before and after the formal part of the meetings. However, the Wye Methodist Hall rules forbid the consumption of alcohol under any circumstances, so this venue is not an option for the organisers who want to offer more than tea and biscuits at the many social events held in Wye. Again, the absence of any constraint on alcohol in WLT is significant regarding question 3 below.

'3. The Latin School has no dedicated car park and much of the High Street has double yellow lines on both sides. Habitually, some residents attending the AGM, who lived beyond walking distance to the WLT would have used the adjacent Car Park. Similarly, as the twice-monthly Wye Farmers' Market relies on a Traffic Order to close The Green to all traffic and parked cars, in order for it to function as a market place, the WLT Car Park played a key role in supporting these events from 1999, until the owner closed the Car Park in August in 2016.

'Whereas the WLT and Car Park provided a venue that furthered social wellbeing or social interests directly, it also supported community events which enabled these interests to continue in the future. For example:

'The Wye Neighbourhood Plan Working Group held a series of workshops followed by two-day community public engagement exhibitions in the WLT, between 2012 and 2015. In contrast, these were very much open to residents, and the Parish Council provided sandwiches, soft drinks and biscuits. Simon Cole (Ashford Borough Council) attended one of the early Neighbourhood Plan exhibitions in WLT to monitor the effectiveness of the community consultation process.

'In parallel, there were also briefings and social meetings in the WLT for the team of some 54 volunteer Patchworkers and their spouses, and 'thank you' parties with wine and finger buffets to mark project milestones, and at the end of the five year project. Please see attached Plan 4 Background.

'To encourage attendance, the Parish Council always timed the series of Wye Neighbourhood Plan exhibitions to coincide with Wye Farmers' Market days on The Green. Other events in the WLT eg Wye Book Fairs⁷ also booked their dates to take advantage of market days. For related details

⁷ <https://www.inprint.co.uk/thebookguide/fairs/multi.php?id=1759,1760,1761>
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of community and social wellbeing please see The Green, a registered Asset of Community Value PR86-020⁸.

'There is always a strong social element to community-led planning events. Where hundreds of neighbours meet informally in the course of workshops, two-day exhibitions and drop-ins, inevitably these occasions are also opportunities for social conversations and catching-up.

'Community workshops are not just for work, in the same way that the Wye Farmers' Market is not just about shopping: they are also social occasions.

'A second example is Our Place Wye (OPW). This is a Parish Council initiated community health, wellbeing and quality of life project. Its first aim is to promote individual wellbeing and raise the quality of life for older residents of Wye and to organise social events to reinforce community cohesion and encourage wellbeing.

'The main beneficiaries of OPW are those of working age with disabilities, their carers and families, the socially isolated, and single elderly residents, all these groups tend to lack social networks, and not to take part in community life. Two of the direct outcomes of the OPW project is a weekly community lunch⁹ which started in June 2016, and a Community Connector. This event brings isolated people together every Wednesday in the Village Hall, and from January 2018 the Community Connector has increased the number of roast meals provided from 20 to 25.

'Our Place Wye originated from the Wye Neighbourhood Plan process, and its initial public consultations and workshops. In short, the analysis of some 10,400 pages of responses to the 2012 household survey showed overwhelmingly that Wye functioned well as a tight-knit community of place, which provided many social activities. However, the comments also showed that a significant minority of mainly elderly Wye residents were isolated and not participating in village social life.

'Our Place Wye makes the connection between its role of enabling more residents to participate in social activities and contribute to social wellbeing, and the positive impact that participation will have on their individual health and personal wellbeing and quality of life. Our Place Wye exists to further social wellbeing.

*"The healthiest people, physically and mentally, are those who manage their own activity levels, eating and drinking and **social activities** most fully."* (emphasis added by nominating body)

⁸ <https://www.ashford.gov.uk/transparency/the-transparency-code/community-right-to-bid/assets-of-community-value/>

⁹ <http://www.wyeparish.info/local-events.html#item-638856-1017064>

A route map to an Enabling State¹⁰, (2014) Sir John Elvidge, Carnegie Trust

"Our Place Wye aims to implement a range of preventative measures that will benefit individuals' health and wellbeing. These will enable people to live independently and remain active for longer, maintain their social networks and enjoy a better quality of life for as long as possible." Our Place Wye: preventative approach¹¹

"Older people are particularly vulnerable to social isolation and loneliness owing to loss of friends and family, mobility or income."

"As the UK's population rapidly ages, the issue of acute loneliness and social isolation is one of the biggest challenges facing our society." Source: Social Care Institute for Excellence, Briefing 60, 2012

'Our Place Wye used the WLT as one of the venues for a series of lunchtime meetings for groups of around 30 active residents during 2013 - 2015.

"The broad vision of the Our Place Wye programme is to develop a complementary, asset-based approach that promotes community health and wellbeing."

"More specifically, to integrate local projects that enhance healthy, active lifestyles, support independent living, increase personal and community resilience, and provide a good quality of life for residents of all ages. Our Place Wye: the broad vision¹²

"For example, isolated and lonely people have an increased risk of suffering from depression, and hardening of the arteries, leading to higher blood pressure and risk of stroke and heart attack. They also suffer from higher all-cause mortality, and have higher rates of cancer and heart disease."

'Access to the WLT enabled Wye community members and health care professionals to meet and learn from each other over buffet lunches. This community-led project would have been difficult to start without the WLT as a central venue, as the village halls were usually fully booked on weekdays by regular users. (Please see NALC Devo+ Case Study 2¹³, p. 15).

'1989 - June 2009

¹⁰ <http://fuse.blue2.co.uk/enabling-state/wp-content/uploads/sites/31/2015/01/A-Routemap-to-an-Enabling-State.pdf>

¹¹ <http://www.wyeparish.info/the-broad-vision-of-our-place--w.html>

¹² <http://www.wyeparish.info/the-broad-vision-of-our-place--w.html>

¹³ https://mycommunity.org.uk/case_study/our-place-wye-driving-inclusivity-in-wye-with-hinxhill/

'The variety of social and community use of WLT and its Car Park reflects a continuity of community use of these related facilities that long predates the closure of Wye College in 2009. For example:

'Wye Historical Society was established in 1948. The records show that this membership society held its series of six monthly winter meetings¹⁴ in the WLT every year for about 20 years, but moved to Wye Primary School after Wye College closed in 2009. As the school caretaker has to be present this venue is prohibitively expensive for most groups. Wye Book Fair also expanded and moved [to] the Large Village Hall, as this is twice the size of WLT.

'Wye Parish Council initiated a series of British Sign Language (BSL) courses in WLT. This was in response to a consultation and a specific request from young people in 2001. At the time there was a family of profoundly deaf children in the village who used BSL to communicate with each other. The courses in WLT enabled other children to learn the basics and interact with the deaf children. They also enabled adults to learn with the children and this helped to break down inter-generational barriers. The good acoustic in WLT meant that it was a particularly good venue for small group learning.

'October 2015 to date

'Until 2015 the WLT complemented the Wye Village Halls as a community venue. WLT offered the unique flexibility to enable functions that required block bookings over a period of days, or even weeks and one-off and short notice events that the Village Halls could not accommodate because of regular bookings. However, all community use of the WLT ceased abruptly when the present owner Telereal Trillium (TT) acquired the whole of the former Wye College campus in mid-October 2015.

'Ashford Borough Council was affected by one of the first impacts of this closure when it tried to organise the Public Examination of the Wye Neighbourhood Plan in the village. The Independent Examiner scheduled the examination for 8th December 2015 but there was no venue available in Wye. On ABC's behalf the Parish Council approached TT with a simple request to use WLT for this important event. However, the email reply dated 11th November 2015 from TT's Agent was revealing:

"Re venue, I have checked with clients, Wolfson is not possible as mothballed, power off etc, may be possible to use another room in main building, but will be rather a 'camping out' set up, is it possible to use the village hall instead?"

'In the absence of a heated room in the College, or any other available venue in Wye, Ashford Borough Council had no option but to hold the

¹⁴ <http://www.wyehistoricalsociety.org.uk/home.html>

public examination in the Julie Rose Stadium, some 3 miles away from the village. This is not considered good practice as it creates an obstacle to public attendance and transparency. Despite the inconvenience of this remote venue some 70 members of the public attended, and the Examiner even remarked on the high level of community interest in the Wye Neighbourhood Plan.

'Whereas Imperial College allowed extensive community use of the WLT and Car Park during its ownership 2000-2015, TT have refused all similar requests from the outset and decommissioned the heating systems throughout Wye College. However, residents continued to use the Car Park for off-road parking with the new landowner's tacit permission until 15th August 2016, when Telereal Trillium wrote to neighbours as follows on 29th July 2016, and then fenced off most of the Car Park.

"Dear Neighbour,

Wolfson Lecture Theatre Car Park

As you know, we are currently preparing proposals to redevelop the former Wolfson Lecture Theatre site, in line with the draft Neighbourhood Plan. As part of this, we need to undertake ground and archaeological investigations across the site and in the Theatre's car park area. We will therefore be closing the area to all access from Monday 15th August. We anticipate this work will take several months, following which, if we have planning permission, the area will need to remain closed for construction.

We are aware that some properties that neighbour the site use it and would request that if you do, you make alternative arrangements..."

'However, access on foot across the WLT Car Park site continues to date, and the fenced off part of the Car Park is still in use as an informal play space eg the tarmac provides a safe off-road area eg for BMX bikes and young children playing and learning to ride.'

Q2. *How do you anticipate that the land/building(s) will be returned to that use or put to some other main use which will further the social wellbeing or social interests of the local community and when do you consider this will happen?*

A2. **'Evidence and policy**

'The Parish Council produced the 'Wye Village Public Accommodation and Leisure Facilities Audit'. In summary, this working draft (June 2017) shows a current 'deficit' of community facilities (partly as the result of TT's closure of WLT), and identifies the need for a third hall. This nomination is

a response to the audit. Please see Paper 5 attached Executive Summary¹⁵.

'Prior to 2015 the WLT provided a venue on occasions for Parish Council liaison meetings with Imperial College staff and its agents. The WYE3 Steering Group met regularly during the first WYE3 masterplan process 2012-2014. Although these were not public meetings, the Parish Council represented residents on matters of public interest, including the provision of community facilities.

'These meetings established the case for additional community facilities, which informed the Community and Wellbeing chapter in the Wye Neighbourhood Plan and specifically Policy WNP7 - Community Support¹⁶

'Policy WNP7 - Community Support

'Where new housing development takes place developer contributions through CIL, and where appropriate, Section 106, will be directed towards;

*'improvements to the village hall complex,
the provision of a day care facility for elderly residents in Wye.*

'Policy WNP7 responds to the fact that Wye has a "growing ageing population" but "there is no day care facility for elderly residents" and that Wye also has a "recent influx of families". Clearly both groups have different needs for social activities, and both groups need facilities. Source of summary: Ashford Borough Council website¹⁷

'Social wellbeing or social interests of the local community:

'The two elements to this ACV nomination for the Wolfson Lecture Theatre and the adjacent Car Park form a single physical asset within one land boundary.

'For clarity, the elements are considered separately below, in regard to their potential to 'further the social wellbeing or social interests of the local community,' and their relationships with other registered ACVs:

'a) Car park

¹⁵ The Executive Summary is attached to the Community Nomination Form (Ref: PR86-021) and can be viewed at: <https://www.ashford.gov.uk/transparency/the-transparency-code/community-right-to-bid/assets-of-community-value/>

¹⁶

https://haveyoursay.ashford.gov.uk/consult.ti/Wye_Neighbourhood_Plan/viewCompoundDoc?clientuid=&docid=6679572&partid=6683284&voteid=

¹⁷

https://haveyoursay.ashford.gov.uk/consult.ti/Wye_Neighbourhood_Plan/viewCompoundDoc?clientuid=&docid=6679572&partid=6683284&voteid=

'The potential use of both the Wolfson Lecture Theatre and the adjacent Car Park relate closely to the cases already accepted for the registration of the Latin School (PR86-019) and The Green (PR86-020) as Assets of Community Value¹⁸ both of which ACVs are in current use.

'Consequently, this nomination describes the Car Park as a complementary asset, which in its own right will further the social wellbeing or social interests of the Wye community in support of WLT, and will also enhance the functionality and social interest of the two registered ACVs named above.

'First, regarding the current need for parking spaces, these two listed ACVs already attract hundreds of residents, as do non-religious events in Wye Church, eg concerts and films.

'As WLT and the three other community facilities above are in the Conservation Area and the mediaeval core of Wye, there is little parking space nearby to support these established centres of community activity. Although many people do and will continue to walk to events, for some, particularly the elderly and less mobile, walking is not an option.

'It is significant that a third of Wye's population of 2,380 is aged over 60, and 130 residents aged over 85. Facts and Figures about Wye¹⁹.

'To reiterate, some of the social wellbeing points made in 2017 for the Latin School ACV nominations (PR86-019), and The Green (PR86-020) have a direct functional relationship with the WLT Car Park, as access to parking is essential to enable participation, and support the social activities based at these ACVs. The following quotes are relevant to this nomination:

'The Latin School (PR86-019)

"Wye Heritage opens the Latin School to the public, and at other times it provides a quiet space for small group lectures, historical research, exhibitions, secure storage of valuable archives and the display of books and artefacts, on behalf of local organisations." (PR86-019)

"The Latin School opens to the public regularly on the 1st and 3rd Saturdays of every month, and has done so since 2011. Opening hours are timed to coincide with the well-established Wye Farmers' Market held on The Green opposite the Latin School, and Wye Book Fairs [now in the Village Hall]²⁰. Both events attract residents as well as many visitors to Wye." (PR86-019)

¹⁸ <https://www.ashford.gov.uk/transparency/the-transparency-code/community-right-to-bid/assets-of-community-value/>

¹⁹ <http://www.wyeparish.info/wye.html>

²⁰ Parenthesis added by nominating body
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"Wye Farmers' Market started in 1999 and is the oldest such market in Kent. Consequently, the Latin School operates all year round as an informal social hub and an all-weather drop-in. The exhibitions are a further attraction and are always free to view, Wye Heritage only asks visitors to sign in. These attendance records are available." (PR86-019)

"This regular drop-in attracts residents from Wye and surrounding parishes, and there is always a lively buzz of conversation." At other times the Latin School is open for bookings for community use." (PR86-019)

"The Parish Council uses the Latin School for small meetings, informal discussions, and exhibition preparations, as have other bodies eg the Wye Neighbourhood Plan Steering Group, Our Place Wye, Wye Village Design Group and Kent Archaeological Society." (PR86-019)

"The central location and ease of access of the Latin School ensures its relevance today as a centre for community life and its ability to support a wide range of activities." (PR86-019)

'The Green (PR86-020)

'Currently, The Green is only used as a public open space, although the land is not in public ownership. In short, it functions as a pocket park as it is open all year round, free to enter and used for play, informal sport, socialising, recreation, and quiet reflection. Twice each month The Green hosts the Wye Farmers' Market...' (PR86-020)

'The central location of The Green and its proximity to other village facilities, eg the Post Office, Wye Newsagency and the Coop, makes it a natural focal point and feature of community life. This space supports many informal social and recreational activities for both residents and visitors to Wye. (PR86-020)

'The social value of Wye Farmers' Market cannot be overstated. People like to meet and to stop and talk in a way that does not happen in other settings. Social exchanges are most evident in the summer months when The Green is a very attractive space that enables people to spend time socialising informally with their friends and neighbours.' (PR86-020)

'b) Wolfson Lecture Theatre

'Wye Village Hall is turning away bookings as it does not have the capacity to meet demand from the existing population. As an example the recent formation of the 2nd Wye Scouts, Beavers and Cubs packs is a great success and the packs are oversubscribed. However, these packs together with the established Brownie Guides, which is also oversubscribed, now need hall space on four separate evenings a week. In short, Wye needs a third village hall.

'The points made above regarding the needs for parking space to support community events and activities apply equally to the use of the WLT as a

facility for community use. The entrance meets Equality Act specifications for disabled access, but the WC needs some work to meet access standards. The close proximity of these three venues adds to their usefulness. WLT is some 50m from the Latin School door-to-door, and 90m to the High Street bus stop.

'In 2017 the Parish Council, as part of the evaluation work needed to inform the WYE3 Masterplan process with quantified evidence of community needs, prepared the Wye Village Public Accommodation and Leisure Facilities Audit. The executive summary of this document²¹... states that:

"...there is a clear need for further public accommodation in Wye, despite the probable future availability of shared access to new space in Wye School and some smaller facilities."

'The Audit identifies the following needs: (emphasis added by nominating body)

'**1. A third village hall or community centre to meet unsatisfied demand from leisure groups.** This would be easier and cheaper to manage as part of the existing village hall complex, but could be situated in WYE3 if other factors were compelling. (Part 3.1)

'**2. A drop-in facility for community use** especially for the Our Place Wye project.

'**3. A Heritage Centre with a village archive.** This is currently being addressed under discussions with Telereal Trillium.

'**4. A Wye 'Shed' workshop facility** to counter male isolation and provide new skills.

'**Conclusion:**

'The Wolfson Lecture Theatre has the potential to meet points one, two and possibly four above. To function effectively, each of these facilities needs a car park nearby, as does point three above.

'WLT would enhance the functionality of the Wye Heritage Centre and The Green. Both the WLT and Car Park are structurally sound, and ideally located. Consequently, they could further the social wellbeing or social interests of the local community, for minimal capital and revenue costs.

'Clearly, there is a present need for additional facilities in the centre of Wye, and strong policy support. The planned development of

²¹ The Executive Summary is attached to the Community Nomination Form (Ref: PR86-021) and can be viewed at: <https://www.ashford.gov.uk/transparency/the-transparency-code/community-right-to-bid/assets-of-community-value/>

approximately 150 dwellings in Wye will only increase the need for more community facilities and parking spaces to serve them.

'Conversely, failure to provide for identified and growing needs will be contrary to the social interests of the local community.'

'Timescale

'In physical terms, the Car Park could be available immediately, if the landowner removed the temporary fence. Whereas to bring WLT back into community use is more complex, as it will need preparatory work eg some minor internal refurbishment, and a separate electricity meter.

'Given the relatively minor nature of the works, and the advanced state of the draft WYE3 Masterplan, WLT could be operational during 2018. This practical timescale is of course subject to the landowner's support and a legal agreement.

'The current WYE3 Masterplan process is overseen by Ashford Borough Council. The WYE3 Steering Group involves all parties and it provides the obvious mechanism for a negotiated outcome.'

Following validation of this nomination, I received a letter dated 26 February 2018 from Town Legal LLP, acting for the freehold owner of the nominated building/land. The letter states as follows:

1. BACKGROUND

1.1 We refer to your letter of 23 January 2018 to Tele-Property Investments Limited ("Telereal") informing them that the Borough Council had received a nomination to register the Wolfson Lecture Theatre and its adjacent car park (the "WLT") as an asset of community value ("ACV") under the Localism Act 2011.

1.2 We act for Telereal, the owner of the WLT, and respond on their behalf.

1.3 Telereal acquired the WLT from Imperial College in October 2015, as part of a larger transaction under which they acquired the main campus of the former Wye College site with a view to its redevelopment. Telereal are promoting a masterplan for redevelopment of the Wye College site, comprising residential, business, education and community uses. This masterplan is [...] currently being promoted through the local plan process.

2. LEGAL FRAMEWORK

2.1 As you will be aware, the Localism Act 2011 provides at section 88 that a building may be of community value if, in the opinion of the relevant authority, either:

(a) a non-ancillary, actual and current use of the building furthers the social wellbeing or social interests of the local community and it is realistic to think that there can continue to be non-ancillary use of the building which will further (whether or not in the same way) the social wellbeing or social interests of the local community (subsection (1)); or

(b) there is a time in the recent past when the actual use of the building that was not an ancillary use furthered the social wellbeing or interests of the local community, and 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 that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community (subsection (2)).

2.2 The WLT clearly does not meet the test required by section 88(1) of the 2011 Act since, as the ACV application itself states, it is not currently used for any purpose. The relevant test that the Borough Council must therefore consider is the one set out in section 88(2) of the Act:

(a) is there a time in the recent past when the actual use of the WLT that was not an ancillary use furthered the social wellbeing or interests of the local community; and

(b) is it realistic to think that there is a time in the next five years when there could be non-ancillary use of the WLT that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community?

2.3 Telereal have only been the owner of the WLT since October 2015 and cannot therefore comment on the accuracy of the claims made in the ACV application about any particular uses the site was put to before that date. However, the following comments are relevant, and may be of assistance.

3. **SECTION 88(2)(a)**

3.1 The Council has to consider whether there is a time in the recent past when the actual use of the WLT furthered the social wellbeing or interests of the local community.

3.2 **“There is a time in the recent past...”** The legislation unhelpfully does not define “recent past”, but leaves this to the relevant local authority to determine on the facts of each case. In *Crostone v Amber Valley DC* (CR/2014/0010) Judge Lane noted that “the expression is a relative concept”. In that case he found that the Black Swan public house had been in operation as such for nearly 200 years and its closure for a period of only 2 years could not mean that it had not been used as a pub in the recent past. A similar approach was taken by Simon Bird QC in *Astim v Bury Council* (CR/2015/0022) with regard to a bowling green dating from before the 1840s when he held that its closure in 2011 – a four year

period of non-use – could not mean that there had been no [u]se in the recent past “in the context of a use which commenced in the middle of the nineteenth century”.

- 3.3 Even on the basis that the Parish Council put forward, it seems that the amount of community use was very small relative the principal educational use and at least in large part (for example when there were meetings and talks with university staff) was ancillary to the main use and so to be left out of account for ACV purposes. The amount of community use that was not ancillary seemed to have been very small indeed.
- 3.4 Furthermore, the WLT was built and came into use in 1989. It is not even 30 years old. The WLT was closed to the public by Telereal in October 2015, which is now some 2.5 years ago. Thus the WLT has not been in public use for something approaching 10% of the time it has been in existence. In these circumstances, and properly applying the recent past as a “relative concept” it is clear that there has not been a community use of the WLT “in the recent past” for the purposes of the legislation.
- 3.5 **“Tacit” approval to use of the car park.** Telereal dispute that they gave “tacit”, or any, approval to anyone to use the car park for community purposes (in connection with the WLT or any other building) while they have been in ownership. A clear notice indicating “Private Car Park” at the entrance has been maintained and unauthorised parking is not permitted. It was not possible for Telereal to secure full vacant possession of the car park initially because certain car parking spaces were leased to Imperial College tenants. Telereal do not accept that any alleged unauthorised parking was a community use. It was certainly not necessary to park in the WLT car park in order to undertake community uses in other buildings because Telereal’s parking surveys have confirmed that there is on street parking outside those other buildings and there is ample car parking available on Churchfield Way car park.
- 3.6 In summary, therefore, we submit that it is clear that there has been no community use of the WLT (including its car park) within the recent past, and that the criterion in section 88(2)(a) is not fulfilled.

4. **SECTION 88(2)(b)**

- 4.1 In order to list the WLT as an ACV, the Council must also judge that it is realistic that there is a time in the next 5 years when there could be a community use at WLT.
- 4.2 It is wholly unrealistic to think that the WLT will come into community use within that time period. There are several reasons for this.

(a) First, as explained above, Telereal has purchased the entire Wye College site including the WLT for redevelopment. These

proposals are being promoted through a Masterplan, and include provision for an enlarged Heritage Centre in the listed buildings, opposite the WLT, which will be available for wider community use.

(b) Telereal has made a planning application to redevelop WLT along with its adjacent buildings, which application is to be considered at an appeal hearing this month (ABC reference 16/01140/AS). The proposal is at appeal due to the relationship with the listed buildings opposite, but it is a matter of record that the Council has no issue with the redevelopment of the WLT site for residential purposes (see ABC letter of 8 January 2018 to Planning Inspectorate attached).

(c) The Wye Neighbourhood Development Plan 2015-2030 includes reference to proposals under consideration by Telereal for the WLT (text following Table 5.1, indicative numbers of dwellings for phased development up to 2030, page 39);

(d) Appendix B to the Neighbourhood Development Plan (Projects and Developer Contributions) sets out both existing village facilities and proposals for improvements/new facilities (heading 1, Village Hall improvement); there are further references to the provision of additional facilities under heading 3, the Campus University Project. We have attached the relevant extract²². There is no reference to any proposed community use at the WLT which is consistent with there being no realistic prospect of such future use being brought forward; and indeed there is no mention of any previous or existing community use, which is consistent with any such use being ancillary and/or very minimal in the past.

(e) There is no allocated funding to use the WLT for community uses, and nor would any be allocated since the introduction of such a use would prejudice the redevelopment and reuse of the adjacent buildings and fail to achieve the best planning use of this site.

(f) In any event, future use of the WLT for community purposes would be unnecessary since there is a proposal for an enlarged Heritage Centre in the listed buildings opposite the WLT, which will augment Wye's other existing community facilities.

4.3 In summary, it is wholly unrealistic to think that the WLT will be put to community use in the next 5 years and accordingly the criterion in section 88(2)(b) is not satisfied.

5. CONCLUSION

²² For the sake of brevity, Appendix B to the Wye Neighbourhood Development Plan 2015-2030 is not reproduced in this report but the entire document (including Appendix B) can be viewed at: https://haveyoursay.ashford.gov.uk/consult.ti/Wye_Neighbourhood_Plan

- 5.1 To list the WLT as an ACV, the Council would have to be satisfied that both of the criteria in section 88(2) are satisfied. In our submission, neither of those criteria are satisfied. However, even if the Council do not agree with us in relation to section 88(2)(a), it is absolutely clear that the criterion in section 88(2)(b) is not satisfied because there is no prospect of community use of WLT in the next 5 years.
- 5.2 The Council should not therefore list the WLT as an ACV.
- 5.3 Please direct all correspondence on this matter to [X]²³ of this office.

*

The Council cannot list buildings or land on its own initiative – they must be nominated. Therefore, the onus is on the nominating body to give their reasons for thinking that the Council should conclude that the building/land is of community value.

There is little guidance on the criteria a local authority should consider when deciding whether an asset is of community value. When the Act was at the Bill stage, the Minister stated that:

‘...We have suggested that one of the criteria for assessing what is an asset of community value could be evidence of the strength of community feeling about supporting the asset’s being maintained for community use’

In this case, the nominating body is a parish council and so, although there is no evidence of the strength of community feeling as such, it is reasonable to assume that the Parish Council is representing the views, or is expressing the general wishes, of a significant percentage of their local community.

Regarding the nominated building, and setting aside for one moment that the building is currently closed, the nominating body claims that the building:

- Had been used by the nominating body for Parish Meetings
- Had been used by a wide range of local charities, youth and community groups
- Had been used for ‘Our Place Wye meetings’; Wye Book Fairs; workshops; exhibitions; Zumba dance classes; martial arts classes; Weightwatchers; Pilates exercise classes; youth club film shows; similar community group meetings and fundraising activities etc.
- Had been used by Wye Heritage, Wye Historical Society etc.
- Had functioned as a generic ‘village hall’

In my view, all of these uses would have clearly furthered the social wellbeing or social interests of the local community.

²³ Name redacted
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Regarding the nominated adjacent car park, since the closure of the nominated building it would appear that the car park has remained accessible (in whole or in part) to the local community. Its continued use, however, does not appear to have been authorised by the current owner of the combined nominated premises.

The nominated car park is described by the nominating body as a 'complementary asset... in its own right.' In my view, however, the use of the nominated car park as a place for visitors to park their vehicles while attending events at locations other than the nominated building, would represent a use ancillary to the main use of the combined nominated premises. Such use would not serve the main use of the nominated building (before its closure), which is the non-ancillary purpose of the nominated car park; and its value to the social wellbeing or social interests of the local community, beyond mere convenience, is in my view no greater than any unrestricted off-street parking.

The nominating body also states that the nominated car park is used as 'an informal play space e.g. the tarmac provides a safe off-road area... for BMX bikes and young children playing and learning to ride'. In my view, such uses are far removed from the main use of nominated car park (and the nominated building which it was provided to serve) and so would be considered as ancillary uses.

The fact that any use of the nominated car park appears to be unauthorised, merely reinforces my view that the actual of the car park 'in its own right' (i.e. separate from the use of the nominated building) did not in the recent past further the social wellbeing or social interests of the local community. It is also realistic to think that there will be no time in the next five years when there could be a non-ancillary use of the nominated carp park 'in its own right' (i.e. again, separate from the use of the nominated building) which would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

However, when the nominated building was open, clearly the nominated adjacent car park would have served the building and so would have been intrinsic to the main use of the building. As such, in my view, the nominated car park would have formed, as the nominating body suggests, 'a single physical asset' with the nominated building.

Accordingly, if it is concluded that the nominated building should be included in the Council's 'List of Assets of Community Value', then, in my view, it would be reasonable to conclude that the nominated adjacent car park should also be included in any listing.

As mentioned previously, the nominated building is currently closed. The Council must therefore consider whether:

- (a) there is a time in the recent past when an actual use of the building/land that was not an ancillary use furthered the social wellbeing or social 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/land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

There is a time in the recent past when an actual use of the building/land that was not an ancillary use furthered the social wellbeing or social interests of the local community

The nominated building was erected in 1989 and forms part of the much larger former Wye College complex.

Between its erection in 1989 and the closure of Wye College in 2009, the nominated building's main use would have been as an educational facility. It would appear that community groups used the nominated building during the 1989-2009 period but, in my view, such uses during that period would have been merely ancillary to the building's main use.

Only from June 2009 onwards – following the closure of Wye College – was the nominated building used primarily by community groups for uses which furthered the social wellbeing or social interests of the local community. However, this use itself ended in October 2015 when the nominated building (along with the wider former-Wye College campus) was purchased by the current owner.

Therefore, the non-ancillary use of the nominated building for activities which furthered the social wellbeing or social interests of the local community, lasted for a period of just six years and four months; and that period of non-ancillary community use itself ceased entirely nearly two and a half years before the submission of this community nomination.

There is no statutory definition of 'recent past'. The Department for Communities and Local Government's²⁴ guidance²⁵ provides the following comment on the meaning of 'recent past':

"With regard to 'recent past', our current view is that we will leave it to the local authority to decide, since 'recent' might be viewed differently in different circumstances. For example, 'recent' might be taken as a longer period for instance for land which was formerly used by the public until the MoD took it over for live ammunition practice, than for a derelict building. Ten or even twenty years might be considered recent for the former but not for the latter."

I understand that some authorities have treated the 'recent past' as being the five year period preceding the nomination, but in *Scott v South Norfolk District Council (2014)*²⁶, Judge Warren in the General Regulatory Chamber of the First-

²⁴ As it was then known

²⁵ Assets of Community Value – Policy Statement (2011)

²⁶ CR/2014/0007

Tier Tribunal said that the phrase 'in the recent past' was deliberately loose in contrast to the five years in the second condition and that it was "not the Tribunal's role to undermine that by giving the phrase a meaning which is certain."

In *Worthy Developments v Forest of Dean District Council (2014)*²⁷, Judge Warren (again) stated that:

"It seems to me illogical to seize on the period of five years, as some suggest, when applying the past condition. This figure is chosen because it is the length of time specified by Parliament over which the future condition is to be assessed. It seems to me, however, that Parliament's failure to specify the precise period of five years when defining the past condition, cannot be taken as intending that the more precise period used in the definition of the future condition should be imported"

In *Crostone v Amber Valley Borough Council (2014)*²⁸ (as referred to by Town Legal LLP in their letter dated 26 February 2018), Judge Lane stated that:

"The 'recent past' is not defined in the Localism Act 2011 or any relevant subordinate legislation. What constitutes the 'recent past' will depend upon all the circumstances of a particular case. To that extent, the expression is a relative concept. In this regard, it is relevant that the Black Swan operated as a public house for almost 200 years, until its closure in 2012..."

Accordingly, although what constitutes the 'recent past' will depend on all the circumstances in a particular case, Judge Lane's conclusion that "the expression is a relative concept" suggests that the length of time that the building had been used for a non-ancillary purpose that furthered the social wellbeing or social interests of the local community (such as, in *Crostone*, a use as a public house) was relevant (in *Crostone* it was nearly two hundred years).

The implication, therefore, seems to be that the longer the period of use furthering a community benefit the longer the period that would constitute the 'recent past.' Conversely, in my view, it must follow that the shorter the period of use furthering a community benefit the shorter the period would be which would constitute the 'recent past.'

In this case, the non-ancillary use furthering a community benefit lasted just six years and four months and that relatively brief period of community benefit ceased nearly two and a half years ago. In my view, having regard to the relative concept of 'recent past' as outlined by Judge Lane in *Crostone* (above), October 2015 would not be viewed as the 'recent past' when viewed in the context of a mere six years and four months use prior to that date.

²⁷ CR/2014/0005

²⁸ CR/2014/0010

Accordingly, notwithstanding that I have concluded that the last actual main use of the nominated building prior to its closure would have furthered the social wellbeing or social interests of the local community, in my view, for the purposes of the asset of community value regime, that main use ceased too long ago to be considered as having occurred at a time 'in the recent past.'

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/land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community

Setting aside my conclusion regarding the 'recent past', I feel that it would still be appropriate for me to consider the second element of the test i.e. whether it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the nominated building that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community?

The central government guidance is silent on the question of whether there is a realistic prospect that there could again be a community use of nominated building/land. The case law suggests that the test does not require the likely future use of the building/land to be determined but rather to determine whether future community use is a realistic prospect²⁹.

In this case, the nominated building and its adjacent car park form part of a larger area of land³⁰ which was the subject of an application for planning permission (16/01140/AS) for the following proposed development:

'Change of use of 26 - 32 High Street to residential use to provide 7 dwellings, including demolition of flat roofed link attached to No 32 and demolition of lecture theatre, and provision of landscaping and parking'

On 5 July 2017, the Council refused the application for planning permission and that decision is now the subject of an outstanding appeal.

In *Patel v London Borough of Hackney (2013)*³¹, the owner purchased a public house and closed it with the intention of converting it into residential flats. In the General Regulatory Chamber of the First-Tier Tribunal, Judge Warren held that the owner's intentions should be taken into account but only "as part of the whole set of circumstances":

"After all, they are the current owner's present intentions and the legislation requires an estimate of what will happen over the next five years" [emphasis in original]

²⁹ See again: *Worthy Developments v Forest of Dean District Council (2014)*(para. 19)

³⁰ Known as 26 - 32 High Street, Wye, Ashford, TN25 5AL

³¹ CR/2013/0005

Judge Warren considered that there were three planning possibilities in *Patel* and each was realistic, one of which was that the planning application for the flat conversion would be refused and the pub would be re-opened. It was simply enough that there were a number of realistic possibilities and one of them was a community use.

On the other hand, in *Spirit Pub Company Limited v Rushmoor Borough Council (2013)*³², Judge Warren (once again) considered that there was no realistic prospect that the building in question would revert to use as a pub or any other community use. The subject former-pub had been closed since 2008. Before the coming into force of the Act, McDonalds had purchased the pub and shortly before the hearing of the listing appeal planning permission had been granted for the change of use of the property to use as a restaurant/takeaway. Judge Warren considered that this should be taken into account and concluded that McDonalds' acquisition of the property together with it securing the necessary planning permission meant that it was now unrealistic to consider that there would be any future use other than as a restaurant/takeaway.

The facts in *Patel* and *Spirit Pub* were different. For example, one pub had been operating and presumably viable before it was closed by its owner whereas the other had been closed for a number of years. Nevertheless, the primary distinguishing factor seemed to be the planning permission which had been secured in the latter.

In this case, planning permission has been refused but I do acknowledge that it is possible that the appeal against that refusal may be successful. In any event, at present, it is neither fanciful nor unrealistic to consider that the building could possibly re-open as a facility for use by the local community.

Regarding future viability, the central government guidance is again silent. In *Worthy* (mentioned above), the Court considered detailed financial appraisals which indicated that it would not be economically viable for the public house in question to return to community use. However, Judge Warren stated that:

"...It is important, however, not to confuse commercial viability with what altruism and community effort can achieve. The calculations advanced by Worthy Developments Ltd do not, in my judgment, ...demonstrate that the committee's plans are not realistic. Although there was some discussion of the figures at the hearing, it does not seem to me necessary to go into further detail on this point. The legislation does not require a detailed business case at this stage" [emphasis in original]

Other cases appear to support this stance³³ and so it does not seem to me to be necessary for the Council to consider the viability of some future community use of the nominated building. The test seems to be simply whether it is realistic to think that there is a time in the next five years when there could be non-

³² CR/2013/0003

³³ See for example: *Gibson v Babergh District Council (2015)*(CR/2014/0019); *Sawtel v Mid-Devon District Council (2014)*(CR/2014/0008); *St. Gabriel's* (above) etc.
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ancillary use of the building that would further the social wellbeing or social interests of the local community.

Accordingly, in my view, it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the nominated building that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

Conclusion

In my view, the last actual main use of the nominated building (and its nominated adjacent car park) did further the social wellbeing or social interests of the local community and it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the nominated building and car park that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

However, for the reasons set out above, in my view, that last actual main use ceased too long ago to be considered as having occurred at a time 'in the recent past', for the purposes of the asset of community value regime.

Therefore, the nominated building and its nominated adjacent car park do not meet the statutory definition and so should not be included in the Council's 'List of Assets of Community Value'.

Recommendation

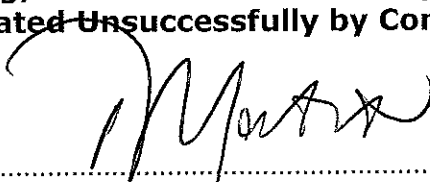
That the Corporate Director (Law and Governance) and Monitoring Officer decline the nomination for this building/land to be included in the Council's 'List of Assets of Community Value'.

That the Corporate Director (Law and Governance) and Monitoring Officer consent to this building/land being placed instead on the Council's 'List of Assets Nominated Unsuccessfully by Community Nomination'.

*

AUTHORITY

In accordance with the functions delegated to me, and for the reasons set out above, I hereby decline the nomination for this building/land to be included in the Council's 'List of Assets of Community Value'. This building/land should instead be placed on the Council's 'List of Assets Nominated Unsuccessfully by Community Nomination'.


.....
Corporate Director (Law and Governance) and Monitoring Officer

Date: 20/3/2018

Wolfson LT + Car Park ACV

Wolfson Lecture Theatre (WLT) and Car Park, High Street, Wye TN25 5AL

Scale: 1:250 @ A3 Key: Red Line: WLT; Blue Line: Car Park site boundary Blue line: Listed ACVs PR86-019 Latin School PR86-020 The Green (for context)

Wye with Hinxhill CP

