



**REMOVAL OF RESIDENTIAL DWELLING
FROM ASSET OF COMMUNITY VALUE
BOUNDARY IN RESPECT OF THE
BRIDGE INN, WHORLTON**

**Report of Susan Robinson, Head of Corporate Property and Land,
Regeneration, Economy and Growth**

Electoral division(s) affected:

Barnard Castle East

Purpose of the Report

- 1 To agree to amendment of the site boundary, submitted by Whorlton and Westwick Parish Council as part of an application to list the Bridge Inn, Whorlton as an Asset of Community Value, following a change of use of part of the property to residential dwelling.

Executive summary

- 2 The Bridge Inn, Whorlton was listed as an Asset of Community Value by Delegated Decision in June 2016.
- 3 The owner of The Bridge Inn has since split the property, following approved planning permission (ref DM/19/03212/FPA), to create both The Bridge Cottage, a residential dwelling and The Bridge Inn, which remains a Public House.
- 4 The Bridge Cottage is a completed, standalone residential dwelling. In line with the provisions of The Localism Act 2011, a residential property cannot be listed as an Asset Of Community Value and therefore the residential part of the property must be removed from the register.
- 5 The owner intends to dispose of The Bridge Cottage and is seeking removal of the restriction on title, in relation to the area of the property which is now a residential dwelling.

Recommendation(s)

- 6 Under the Councils Scheme of Delegations, the Head of Corporate Property and Land has responsibility to authorise an assets formal listing as an Asset of Community Value and it is recommended that power is exercised to remove the area identified as a residential

dwelling from the Asset of Community Value boundary, enabling removal of the restriction on title from this area.

Background

- 7 The Localism Act 2011 gives local communities the opportunity to identify assets of community value that they believe to be of importance to their community's well-being and have them listed. When they are put up for sale, they will be given a time to raise finance and prepare a bid to buy that asset on the open market.
- 8 The legislation places a requirement on the County Council to consider requests, include them on a list of Assets of Community Value and maintain the list.
- 9 If the nominated asset is properly nominated, is in the local authority's area, meets the definition, and is not excluded, the local authority must list it and inform all affected parties (and the parish council). They must also place the asset on the local land charges register and, if the land is registered, apply for a restriction on the Land Register.
- 10 If the owner wishes to dispose of a listed asset, unless an exemption applies, the owner will only be able to dispose of the asset after a specified window has expired.
- 11 The Bridge Inn, Whorlton was nominated as an Asset of Community Value by Whorlton and Westwick Parish Council 19th May 2016 and was listed by Delegated Decision in June 2016.
- 12 At the time of listing, the Public House car park had planning consent for residential development and the area for the listing was at that time consistent with that consent.
- 13 The owner has since obtained planning consent to split part of the public house to create a separate residential dwelling, planning application ref DM/19/03212/FPA.
- 14 In line with the provisions of The Localism Act 2011, a residential property cannot be listed as an Asset of Community Value and therefore the residential part of the property must be removed from the register.

Current Situation

- 15 The owner submitted a planning application, ref DM/19/03212/FPA, to convert part of the land listed as an Asset of Community Value to a residential dwelling.

- 16 The owner then submitted a notice of intention to dispose on 10th October 2019, in compliance with the requirements imposed by the Localism Act 2011.
- 17 No expressions of interest were received in response to the notice of intention to dispose.
- 18 The planning application, ref DM/19/03212/FPA, was subsequently approved by the Planning Authority on 20th February 2020 and the owner proceeded to carry out the works.
- 19 The owner intends to dispose of the residential dwelling known as The Bridge Cottage and has requested that the Asset of Community Value restriction be removed from title, in line with the provisions of The Localism Act 2011 (Clause 2 - C - ii of ACV Regulations).
- 20 A site visit has been undertaken on 15th September 2020, which confirmed the boundary, photographs were taken for the file.

Conclusion

- 21 The boundary plan included in the Delegated Decision Report dated June 2016 should be amended to exclude the area which is now a residential dwelling.
- 22 The boundary should be rectified resulting in removal of the restriction on title and associated charges, in respect of the residential dwelling, see are edged red on the attached site plan ARC-20-328.
- 23 The removal of the area residential dwelling, edged red on the attached plan, will not impact on listing of The Bridge Inn Public House as an Asset of Community Value.

Background papers

- Delegated Decision dated June 2016
- ARC-20-328 site plan depicting existing ACV boundary shaded yellow and area to be removed from ACV boundary edged red
- Planning application DM/19/03212/FPA

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Appendix 1: Implications

Legal Implications

Removal of restriction on title and relevant charges, in relation land identified as residential dwelling.

Finance

Removal of the restriction will enable the owner to dispose of the property, avoiding further financial implications such as compensation claims for losses.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

None.

Human Rights

Text.

Crime and Disorder

None.

Staffing

None.

Accommodation

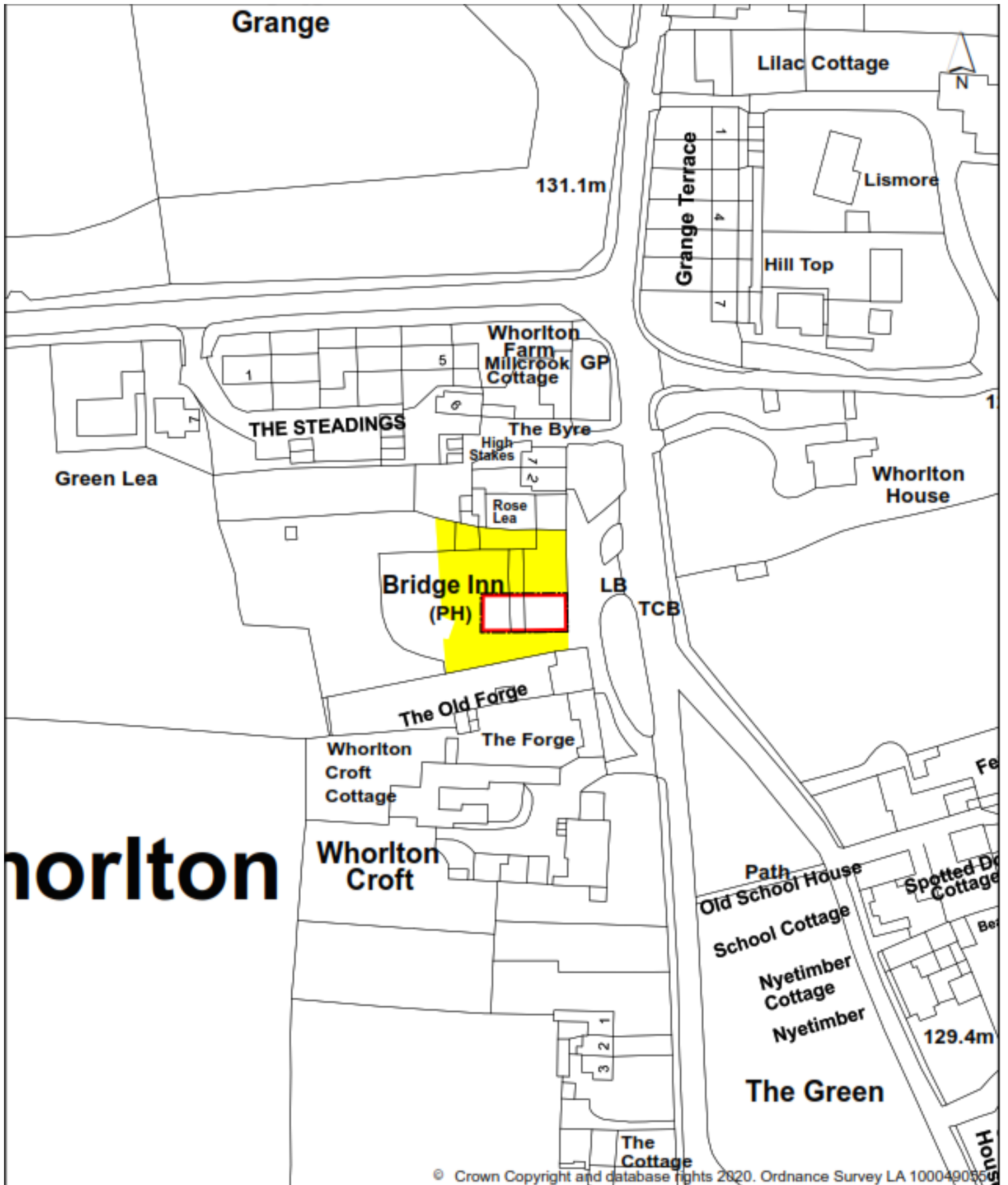
None.

Risk

None.

Procurement

None.



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ACV Boundary Amendment, The Bridge Inn Whorlton
 Plan Ref: ARC-20-328. Paper Size: A4. Scale: 1:1,250
 Total Area Coloured Red: 218.87 m², 0.054 Acres or thereabouts.
 Based Upon O.S Map: NZ1014. Date: 16/09/2020.

UPRN : N/A



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