



Buckinghamshire Council Community nomination in respect of

Land to the South Side of the Crescent, Pitstone, Beds, LU7 9AW

Notice under section 91 of the Localism Act 2011

1. The Nomination

Buckinghamshire Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list Land to the South Side of the Crescent, Pitstone, Beds, LU7 9AW as an asset of community value. The nomination was made by Pitstone Parish Council. A copy of the nomination is attached at Appendix 1 and plan showing the boundaries of the nominated land is attached at Appendix 2.

A summary of the nomination is set out below:

- (a) The Land to the South Side of the Crescent, Pitstone, Beds, LU7 9AW has been subject to its current usage for many decades. It was leased by AVDC to Pitstone Parish Council from 1983 until the transfer of AVDC's housing functions to Vale of Aylesbury Housing Trust. The parcels of allotments/open space did not transfer over to VAHT along with the associated properties, though many of the AVDC residents seem to have not been aware of this and therefore the residents continued to use the land. Some properties have since been sold into private ownership (without the associated allotment land). The land has not been tended by AVDC/BC since and the residents of The Crescent have taken it upon themselves to maintain this land on behalf of the community.
- (b) The land forms a valuable piece of visual open space and public amenity space. It complements the village green and adjacent recreation ground on entering the centre of Pitstone. The land is heavily used for recreational purposes and positively encourages, social interaction and engagement not only between residents of The Crescent but also between them and members of the wider village community.

2. The Law and Statutory Guidance

Under section 87 of the Act the Council must maintain a list of land of community value in its area. A building or other land is of community value if in the Council's opinion an actual current use of the building or other land that is not 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 community.

Under section 89 the Council can only include land or buildings in its list of assets of community value in response to a community nomination or where permitted by regulations. A community nomination in England can only be made by either a Parish Council in respect of land or buildings within its area or by a person that is a voluntary or community body with a local connection.

Where a valid community nomination is made the Council must consider it and must accept the nomination if the land or buildings is within its area and is of community value

3. Decision and Reasons

The Council **accepts** the nomination by Pitstone Parish Council and includes Land to the South Side of the Crescent, Pitstone, Beds, LU7 9AW in its list of assets of community value.

The reasons for this decision are as follows:

- (a) The Land to the South Side of the Crescent, Pitstone, Beds, LU7 9AW lies within the administrative area of Buckinghamshire Council.
- (b) Pitstone Parish Council are eligible under section 89(2) b) (i) to make a community nomination in respect of Land to the South Side of the Crescent, Pitstone, Beds, LU7 9AW. The community nomination made by Pitstone Parish Council includes the matters required under regulation 6 of the Assets of Community Value (England) Regulations 2012
- (c) The land does not fall within a description of land which may not be listed as specified in Schedule 1 of the Assets of Community Value (England) Regulations 2012 (the Regulations)
- (d) The Council considers that this asset furthers the social wellbeing of the local community. The land is maintained by the local community and examples of regular community use include; use of part of the land for allotments, hosting community events and general recreational activities by local residents.

4. Next Steps

Land to the South Side of the Crescent, Pitstone, Beds, LU7 9AW will be included in the list of assets of community value maintained by the Council under section 87 of the Act.

In accordance with section 91 of the Act the Council will send this notice to:-

- (a) the owner of the land/property
- (b) Pitstone Parish Council as the nominee body

5. Consequences of Listing

The land or buildings will remain on the list of assets of community value for a period of 5 years from the date of this notice unless removed with effect from some earlier time in accordance with the provision of the Regulations.

Inclusion of the land or buildings in the list of community assets is a local land charge under the Local Land Charges Act 1975.

The Council is required under Schedule 4 of the Regulations to apply to the Land Registry for a restriction to be added to the registered title of the land or buildings that "No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011".

Under section 95 of the Act an owner must notify the Council by writing to the Service Director for Localities and Strategic Partnerships at Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF if they wish to enter into a relevant disposal of the land or buildings. Relevant disposal is defined in section 96 and (subject to exemptions in section 95(5) and Schedule 3 of the Regulations) means, a freehold disposal or the grant or assignment of a qualifying leasehold interest, with vacant possession.

A moratorium period is triggered by notification under section 95 to allow any community interest group to submit a written request to be treated as a potential bidder for the land or buildings.

Owners are advised to refer to the Part 5 Chapter 3 of the Act and the Regulations in full and to seek legal advice if they wish to dispose of the land or buildings. **A disposal of listed land or buildings which contravenes the requirements of Act and Regulations will be ineffective.**

6. Right of Review

In accordance with section 92 of the Act the owner of the land or buildings is entitled to request a review of this decision. The review will be carried out by a senior officer of the Council nominated by the Chief Executive. A request must be made in writing and received by the Council within 56 days of the date of this notice or such longer period as the Council may agree in writing. Please ensure that the request explains on what grounds the decision should be reviewed.

If a request is made the Council will complete the review within 56 days of receiving the request or such longer period as is agreed with the owner in writing. A request must be addressed to Director of Legal and Democratic Services, Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF

7. Right to Compensation

In accordance with paragraph 14 of the Regulations an owner or former owner of the land or buildings is entitled to claim compensation from the Council of such amount as the Council may determine, where they have incurred loss or expense in relation to the land or buildings which would be likely not to have been incurred if the land or buildings had not been listed.

A claim for compensation must be made in writing within 91 days of the loss or expense being incurred (or as the case may be) finish being incurred; must state the amount of compensation sought for each part of the claim and be accompanied by supporting evidence for each part of the claim.

If a claim is made the Council will consider the claim as expeditiously as possible. A request must be addressed to the Director of Finance at Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF

8. Additional Help

Further information about assets of community value is available from the website <http://mycommunityrights.org.uk/community-right-to-bid/> If you need any additional support in relation disposal of the land, the right of review or right to compensation you are advised to seek independent legal advice.

Signed

A handwritten signature in black ink, appearing to read 'C Hawkes'.

Claire Hawkes
Service Director – Localities and Strategic Partnerships, Deputy Chief Executive Directorate

01 July 2021

Appendix 1

Organisation name: Pitstone Parish Council

Organisation address: Pitstone Pavilion, Marsworth Road, Pitstone, Beds, LU7 9FE

Type of organisation: Parish/Town Council

Name: Laurie Eagling

Address: Pitstone Pavilion, Marsworth Road, Pitstone, Beds, LU7 9AP

Telephone number: 01296767261

Email address: parishclerk@pitstone.co.uk

Name of the property you would like to nominate: Land to the South Side of The Crescent

Address of the property: Land to the south side of The Crescent, Pitstone, Beds, LU7 9AW

Name of property owner: Buckinghamshire Council (previously AVDC)

Address of the property owner: The Gateway, Gatehouse Road, Aylesbury, HP19 8FF

Telephone number: 01296 585 858

Current occupier's name (if different from property owner): The land is currently (informally) occupied by the residents of each of the houses of The Crescent with some land used as allotment plots or garden and some land used as community open space

Is this nomination for a new listing or re-listing a property?: Re-listing a property

Why do you feel the property is an asset of community value?: The land has been subject to its current usage for many decades. It was leased by AVDC to Pitstone Parish Council, to manage as allotments for the properties of The Crescent, from 1983 until the transfer of AVDC's housing functions to Vale of Aylesbury Housing Trust. The parcels of allotments/open space did not transfer over to VAHT along with the associated properties, though many of the AVDC residents seem to have not been aware of this and therefore the residents continued to use the land. Some properties have since been sold into private ownership (without the associated allotment land). The land has not been tended by AVDC/BC since and the residents of The Crescent have taken in upon themselves to maintain this land on behalf of the community. Within the last year, considerable effort has been invested by these residents to improve the upkeep, extend the community areas and hold socially distanced events.

From 2012 onwards, AVDC regularly expressed that the land remain in use as allotments and/or general open space. In late 2014, AVDC expressed an intention to transfer the land to the Parish Council to manage as allotments/open space, however this has never been fulfilled. (The application site adjoins a parcel of land within the Parish Council ownership which is managed as open space.)

During the last 'Call for Sites' this parcel of land was put forward by BC as a potential residential development site. This was strongly opposed within the local community by residents and parish council. BCs latest land review, does not include this as a potential application site.

In 2016 the Pitstone Neighbourhood Development Plan was adopted at referendum. The application site falls outside the Pitstone Settlement Boundary determined within that NDP. The application site was also designed as a Local Green Space within that NDP, according it the same protection as green belt land. Both the Pitstone NDP and the Local Green Space Report remain available on the Buckinghamshire Council portal, link here: <https://www.aylesburyvalcdc.gov.uk/pitstone-neighbourhood-plan>. The LGS report contains a number of photographs of the application site.

The land forms a valuable piece of visual open space and public amenity space. It complements the village green feel of the adjacent recreation ground on entering the centre of Pitstone. The land is heavily used for recreational purposes and forms a setting that lends itself to, and positively encourages, social interaction and engagement not only between residents of The Crescent inter se but also between them and members of the wider village community.

There can be no doubt that the actual current use of the land furthers the social wellbeing of residents and that, in the same way as over the many decades during which the land has already been in its current usage, this will continue - as it is expressly desired to continue by all stakeholders - for the foreseeable future.

In August 2015 AVDC accepted our nomination of this parcel of land as an Asset of Community Value. This application seeks to renew that nomination.

What do you consider to be the boundary of the property? Please give as much detail as you can and include a plan if possible: Land Registry title plan attached. The area being nominated is contiguous with the ownership boundary.

Attach a boundary plan if you have one: Land Registry BM307176 ex-allotment land owned by BC.pdf, 2021 April 29 PPC.pdf, Standing Orders May 2021.pdf

Attachment checklist: Copy of organisation constitution (if applicable), Site boundary plan, Title document and plan (found on the Land Registry website), Evidence of current community use e.g. activity programmes, website links etc, Copy of the parish/town council (if applicable) resolution/minute which proposes the nomination

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate: I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Appendix 2

