

## **GUIDANCE NOTE: PLANNING – A SIMPLE GUIDE TO ASSETS OF COMMUNITY VALUE AND PLANNING APPLICATIONS**

The Localism Act 2011 introduced the concept of Assets of Community Value. This provides town and parish councils and other community groups in England (the Welsh Government are considering introducing something similar) the opportunity to nominate an asset they believe to be important to their community wellbeing. When a listed asset comes up for sale, its listing means that there will be a delay in the sale process to enable local community groups to prepare and make a bid for it.

Assets of community value have proved popular with many thousands of assets being listed across England. Town and parish councils have been at the forefront of this process.

The question is whether the listing of a property as an Asset of Community Value might be regarded as a 'material consideration' for planning purposes. In other words, the grant or refusal of planning permission might take into account the fact that it was listed as an asset of community value. The upshot is in principle, yes. Much depends, however, on the attitude of the local planning authority.

This is because in a non-statutory guidance note for local authorities issued by the Department for Communities and Local Government in October 2012 it confirmed that that the listing of a property as an Asset of Community Value could be a material consideration in determining a planning application but very much left at the discretion of the relevant local planning authority to determine whether or not it was.

*As the guidance states, 'The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case'.*

There have been several instances of the listing of a property as an Asset of Community Value being regarded as a 'material consideration' for planning purposes. This includes some that were refused with its listing as a community asset being cited as a reason for refusal such as Peterborough Arms, Dauntsey, Wiltshire and The Angel, Spinkhill, Derbyshire). Some additional cases are noted on the Planning Law blog, which can be found at <http://www.planninglawblog.com/category/assets-of-community-value/>.

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[Community Right to Bid - Non-statutory advice note for local authorities.pdf \(publishing.service.gov.uk\)](#)