

APPENDIX G

Definition of an asset

A building or other land should be considered an asset of community value if:

- Its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and
- That use is not an ancillary one; and
- For land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and
- It does not fall within one of the exemptions which are in the regulations, e.g. residential premises and land held with them.

“Social interests” will be defined to include cultural, recreational, and sporting interests. 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.

Land that can't be listed:

- A residence together with land connected with that residence.
- Land is connected with a residence, if:
 - (a) The land, and the residence, are owned by a single owner; and
 - (b) Every part of the land can be reached from the residence without having to cross land which is not owned by that single owner.
- Residence means a building used or partly used as a residence;
A building is a residence if—
 - (i) It is normally used or partly used as a residence, but for any reason so much of it as is normally used as a residence is temporarily unoccupied;
 - (ii) It is let or partly let for use as a holiday dwelling;
 - (iii) It, or part of it, is a hotel or is otherwise principally used for letting or licensing accommodation to paying occupants; or
 - (iv) it is a house in multiple occupation as defined in section 77 of the Housing Act 2004(a); and (c) A building or other land is not a residence if—

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- (i) It is land on which currently there are no residences but for which planning Permission or development consent has been granted for the construction of residences;
 - (ii) It is a building undergoing construction where there is planning permission or development consent for the completed building to be used as a residence, but construction is not yet complete; or
 - (iii) It was previously used as a residence but is in future to be used for a different purpose and planning permission or development consent for a change of use to that purpose has been granted.
- Operational land as defined in section 263 of the Town and Country Planning Act 1990(c).