

West Dorset District Council - List of Unsuccessful Nominations of Assets of Community Value

Date of Receipt of Nomination	Nominating Body	Date of Assessment	Name of Asset	Address Of Asset	Date of Listing	Date of removal off list	Notes
20-Nov-12	Bridport Citizens Advice Bureau	17-Dec-12	45 South Street	45 South Street, Bridport, Dorset, DT6 3NY	04-Jan-13		Unsuccessful due to the fact that the nomination was for the entire building at 45 South Street of which only 293m2 is land, that, in the opinion of the Authority, is currently put to a use that furthers the social wellbeing or social interests of the local community pursuant to section 88 of The Localism Act, 2011.
15-Apr-13	Enterprise St Michael's Ltd	30-Apr-13	As address	Units 7-9 and 11-15 St Michael's Trading Estate, Bridport, DT6 3RR	08-May-13		Unsuccessful due to the fact that the nomination does not demonstrate that the assets are those whose principal use "furthers the social wellbeing or sopcial interests of the local community" under Section 88 (1) (a) and (b) of The Localism Act, 2011. Reasons: (1) The principal use of the assets as outlined in the nomination is as a place of work for a number of local artists. (2) The nomination form does not provide information suggesting frequent use of the nominated assets by the local community for cultural activity referring to access by the public to the nominated units on open days or for "occasional teaching workshops and painting and drawing classes".
04-Feb-13	Enterprise St Michael's Ltd	28-Mar-13	The Trick Factory	Unit 33, The Trick Factory, St Michael's Industrial Estate, Bridport, DT6 3RR	28-Mar-13		Review of listing decision requested by landowner and undertaken within a mutually agreed timescale. Original decision to list overturned at review. Reason provided was as follows: In turning to part b) of Section 88(1) of the Act I do not believe that it is realistic to think that there can continue to be non-ancillary use of the building which will further the social wellbeing or social interests of the local community. I have been supplied with a copy of a letter from the tenant of the building to the owners (which was not put before the Council when the original decision to list was made) which is undated but said to have been received in 2011, in which the tenant asks to reduce the amount of floor space that he rents as a result of 'diminishing numbers of people using the facility to the point where it is losing too much money'. The owners allowed the tenant to continue to rent the same area of floor space but reduced the rent payable by the Tenant by 45%, however this is not a situation that the owners say can perpetuate. It also appears that there is a local project to enhance another skate park in Plottingham, Bridport which is supported by the Town Council, which does tend to suggest that the Trick Factory may be subject to additional competition for people using the facility. In addition it seems that there is little scope for expansion at the Trading Estate site as suggested by the Nominating Body in their application to list.

21-Mar-13	Enterprise St Michael's Ltd	28-Mar-13	Unit 47, St Michael's Trading Estate and the yard area to the front of units 47 and 48	Unit 47, St Michael's Trading Estate Bridport DT6 3RR	28-Mar-13	30-Jul-13	Review of listing decision requested by landowner and undertaken within a mutually agreed timescale. Original decision to list overturned at review. Reason provided was as follows: In turning to part b) of Section 88(1) of the Act I do not believe that it is realistic to think that there can continue to be non-ancillary use of the building which will further the social wellbeing or social interests of the local community. As part of this review process I have been supplied with new information (which was not available when the original decision was made) that indicates that the current tenants have decided to leave the premises in early 2014 because the building is inadequate for their future purposes. In their submission to the Council the Trustees of Bridport TLC state that the location is compromised by accessibility issues for their collection vehicles and that they are exploring options for relocation.
21-Mar-13	Enterprise St Michael's Ltd	28-Mar-13	As address	Unit 48, St Michael's Trading Estate, Bridport, DT6 3RR	28-Mar-13		Review of listing decision requested by landowner and undertaken within a mutually agreed timescale. Original decision to list overturned at review. Reason provided was as follows: In turning to part b) of Section 88(1) of the Act I do not believe that it is realistic to think that there can continue to be non-ancillary use of the building which will further the social wellbeing or social interests of the local community. As part of this review process I have been supplied with new information (which was not available when the original decision was made) that indicates that the current tenants have decided to leave the premises in early 2014 because the building is inadequate for their future purposes. In their submission to the Council the Trustees of Bridport TLC state that the location is compromised by accessibility issues for their collection vehicles and that they are exploring options for relocation.

31-Jul-13	Enterprise St Michael's Ltd	16-Sep-13	The Red Brick Cafe	Unit 57, St Michael's Trading Estate, Bridport, DT6 3RR	16-Sep-13	<p>The Council has determined that The Red Brick Cafe is not an asset of community value under The Localism Act, 2011, section 88 (1) for the following reasons:</p> <p>1. The Council has applied its Protocol on Assessing an Asset of Community Value. Criteria 2 of the Protocol applies a test of whether or not the current or proposed use of the asset enhances the social interests and social wellbeing of the local community because in its absence the local community would be deprived of a resource of value to the residents and the local area. The existence of a significant number of other cafes and restaurants in the vicinity of the nominated asset serving the community of the Bridport area means that the Red Brick Cafe is one of many such facilities and its limited hours of opening; (22 hours per week), forms the basis for the Council's decision not to list as an asset of community value.</p> <p>2. The Council has also applied Criteria 3 of its Protocol on Assessing an Asset of Community Value and concluded that there are no special characteristics of the local community or the area that make the use of The Red Brick Cafe of particular existing and continuing community value.</p>
23-Jun-14	Cheselbourne Parish Council	25-Jul-14	The Rivers Arms	The Rivers Arms, Cheselbourne, Dorchester, DT2 7NW	28-Jul-14	<p>Unsuccessful due to the authority's conclusion that:</p> <p>1. The River Arms does not satisfy the requirements under Section 88 (1) (a) of The Localism Act, 2011 because its actual current, non-ancillary use does not further the social wellbeing or social interests of the local community because on the information provided the River Arms is closed and no activities matching the criteria are undertaken there.</p> <p>2. The River Arms does not satisfy the requirements under Section 88 (2) (a) of The Localism Act, 2011 because the council considers that the asset has not furthered the social wellbeing and social interest of the local community in the recent past. This is because the public house has been closed since 2008, for a period of 6 years. The council has taken into account that, " a time in the recent past" is a definition which the council can apply within the parameters of reasonableness. In reaching this conclusion, the council considered the outcomes of the judicial review of R (Edgar) v Bournemouth Borough Council, 2013.</p>
11-Nov-16	Bridport Community Land Trust Community Benefit Society	07-Dec-16	The Chantry	South Walk, Bridport, Dorset	12-Dec-16	<p>Unsuccessful due to the authority's conclusion that:</p> <p>1. The nominating body is no longer registered with Mutuals Public Register as of 6 Oct 2016, so is not eligible to nominate an asset of community value.</p> <p>2. Building was used as a holiday let. Under Regulation 3 of the Assets of Community Value (England) Regulations 2012 and Para 1 (1) of Schedule 1 of the Regulations, the building falls under the definition of a residence, so is not eligible for listing as an asset of community value.</p>