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## REVIEW DECISION NOTICE – COMMUNITY RIGHT TO BID

Reference: 2013/003b

09/02/15

**Proposed Asset of Community Value – Chelston Rise Play Area, Chelston Rise, Caldecott, Northants NN9 6AU**

**Nominated By:** Chelveston-cum-Caldecott Parish Council first nomination received 04 October 2013 – renomination received 30 April 2014

**Date of Review :** 09 February 2015

**Current Owner –** Area Estates, 30 City Road, London, EC1Y 2AB

### Grounds for Appeal

- Exempt Land (exempt under Schedule 1 as connected with a residence)
- Asset not in community use
- Consideration of the Playground and the Grassland separately
- Procedure defects in relation to the provision of information to Area Estates and opportunity to make a representations before a decision was reached

### Findings

There are three principal grounds raised in this review against the decision and a complaint about procedural defects as noted above. I find that the first ground raised, that the land is exempt, is valid. The other grounds are not valid.

On the first ground I agree that the land may not be listed since it falls within Schedule 1 of the 2012 regulations, land which is not an asset of community value. Specifically it falls within the definition of “a residence together with land connected with that residence”. The land and a number of adjoining residential properties are under the single ownership of Area Estates. The land can be reached from these adjoining properties without having to cross land that is in different ownership. There is evidence that these properties are normally used as residences. The conditions in the definition are therefore met.

On the second ground I find that there is evidence of community use in the supporting information completed by the Parish council in its nomination form of April 30<sup>th</sup>. There is no evidence that shows residents were prevented from accessing and using the site in recent years. The local community can be a smaller group of

residents than the residents of the parish. It is fenced but accessed via an unlocked gate. The witness statement disputes the grassland has been used but without any evidence as to the basis of this dispute e.g. visits to the site to see if it is being used.

On the third ground I do not consider the playground and grassland to be separate. The playground is situated within the grassland and can only be accessed via that grassland.

On procedural defects, I do not find the complaint valid. There is no requirement under the regulations for the Council to give all the information it is using to consider the nomination, only a requirement to notify the owners of the fact that they are considering it. Information is available via the website. There is also no requirement to seek and take into account the representations of the owners at the listing stage, although, if comments had been received, the council would have considered them.

#### **Decision**

**Having considered all the factors above, it is my view that the nominated asset is exempt from definition as an Asset of Community Value, as it falls within Schedule 1 of the 2012 Regulations, as defined by the Localism Act and associated regulations. It should be removed from the council's list of Assets of Community Value.**



**David Oliver**  
**Chief Executive**  
**16/02/2015**