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REVIEW DECISION NOTICE – COMMUNITY RIGHT TO BID

Reference: 2014/002b

26/02/15

Proposed Asset of Community Value – The Benefield Wheatsheaf, Main Street, Upper Benefield, PE8 5AN

Nominated By: Unincorporated group of 21 registered electors

Date of Review : 19 February 2015

Current Owner:

The Benefield Wheatsheaf Hotel Ltd, Eagle House, 28 Billing Road, Northampton NN1 5AJ

Grounds for Appeal

- That the asset in question was used in the recent past as a hotel and any use as a pub was ancillary to that hotel use. The argument was that this meant the asset was a residence under Schedule 1 to the 2012 regulations.
- That it was not realistic for the Wheatsheaf to be able to be used to benefit the community in the next 5 years.

Findings


It was found that the number of rooms, relative to the size of the bar and the turnover figures, indicate a main use of the building as a hotel. Whether the Wheatsheaf is described as a pub, hotel or inn is of less significance than this evidence. It is therefore found that the bar/pub use is ancillary and takes into account that the bar and restaurant closed at the same time as the hotel accommodation.

Schedule 1 paragraph 1(5) indicates that an asset may be listed if only part of the asset is used as a residence. The planning authority had described the use in previous planning applications in a way that suggested separate uses but, as it was found overall that the main use is that of an hotel to which the bar use is only ancillary, rather than a separate or mixed use, Paragraph 1(5) read with section 88(2) does not permit the listing of the asset.

Given that the main argument is successful the argument about whether there was a realistic future use of benefit to the community was not considered further.

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
26/02/2015