

Your Ref:
Our Ref: 26/00005/ACV



Holcombe Rogus Parish Council
c/o 45 Twitchen
Holcombe Rogus
Devon
TA21 0PT

Contact: Pete Whateley
Telephone: 01884 234252
Email: acv@middevon.gov.uk

6.10.26

Localism Act 2011 – Community Right to Bid - The Assets of Community Value (England) Regulations 2012

Application to List Prince of Wales Inn, Holcombe Rogus, as an Asset of Community Value

I refer to your application to list the above as an asset of community value which was received on 11th August 2026.

Your application has been considered, and the responsible officer is satisfied that the above is an asset of community value and should be included in the list held by the council of Community Assets under the Localism Act 2011.

I have arranged for the property to be included in that list dated **5th October 2026**. The entry will expire 5 years after listing.

Important note: If an owner wants to sell property/land that is on the list, they must tell the local authority. If the nominating body is keen to develop a bid to purchase the property/land, they can then call for the local authority to trigger a moratorium period, during which time the owner cannot proceed to sell the asset. Please note that:

- I. There is no requirement for the owner to sell to the nominating body or other community group/organisation*
- II. An owner may continue to sell the listed property/land during the moratorium period if it falls within an exemption or is to a community interest group*

We have confirmed the decision to the owner and have supplied a copy of our Owner's Guidance Notes; a copy of the guide is attached for your information.

Yours sincerely

Pete Whateley

Senior Land Charges Officer

Available in other languages and formats on request
Please telephone 01884 255255 or email customerfirst@middevon.gov.uk

Guidance Notes for Owners

The Localism Act 2011 introduces the 'Community Right to Bid', placing a new duty upon Local Authorities to "maintain a list of land in its area that is land of community value", as nominated by the local community. The following information is to help owners of nominated and listed assets/land to understand the implications of the Community Right to Bid, and your rights as the owner.

What does this new Right mean?

The main provisions are:

- Local communities can nominate any land or property in their local area which promotes the 'social wellbeing or social interests' of the community.
- If the nominated asset meets the statutory definition of an asset of community value, the Council must place it on the List of Assets of Community Value and notify the relevant parties
- The owner of the asset has a right to an internal review of this listing decision by the local authority, and a right of appeal to an independent tribunal if they remain unhappy following the internal review result.
- If any listed asset comes up for sale, the owner of the asset must notify the Council, who in turn will update the List to reflect this and notify the local community. This will enforce an interim moratorium period, which will give the local community an initial six week period to say if they are interested in bidding to buy the asset.
- If interest is expressed, the local authority must notify the property owner, who is then not allowed to sell the property for the full moratorium of six months. The only sale permitted during this period is to a local community group.
- If no permitted sale occurs, after 6 months, the owner can sell to whomever they choose within a protected period of 18 months.
- The local authority will be responsible for administering a compensation scheme to enable asset owners to claim for applicable and relevant proven loss incurred as a direct result of complying with these procedures.
- Owners have the right of an internal review of a compensation decision by the local authority, and if they are unhappy with the outcome of this review they can appeal to an independent tribunal.

What makes an asset, an Asset of Community Value?

If the property/land you own has been nominated by the local community as an Asset of Community Value, the Council has eight weeks to determine whether to place the asset on the "List of Assets of Community Value". The statutory definition of an asset of community value is as follows:

"a building or other land in a local authority's area is land of community value if in the opinion of the authority –

- *An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and*
- *It is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.*
- *Buildings or other land can also be considered as an asset of community value if:*

- *in the recent past they have furthered the social wellbeing or interests of the local community and*
- *The use of the building or land was not an ancillary use and it is realistic to think that within the next five years it would further the social wellbeing or interests of the local community”*

Nominations will be considered against these criteria.

If you have received notification from the Council that your asset/land has been nominated by the local community as an asset of community value, and you would like to comment on this nomination, please contact the responsible officer via acv@middevon.gov.uk or by post to Assets of Community Value, Phoenix House, Phoenix lane, Tiverton EX16 6PP within three weeks of receipt of your notification letter. Following notification, you will be informed of the ‘Listing Decision’ on or near the eight week deadline date.

What is the decision making process?

The process we have adopted to determine the List of Assets is as follows:

- The ACV team handle the administration for nominations and the responsible officer will determine whether to place the asset on the “list of assets of community value”.
- The ACV Team will receive a nomination and forward the nomination form to the responsible officer who will check and validate the nomination. (Is the nominating group a valid community group? Does the asset appear to fit the definition of a community asset?). If clearly an invalid nomination, the community will be informed with justification for refusal, or asked to resubmit with adjustments.
- The responsible officer will consider valid nomination forms and any representations owners and consultees wish to make over the eight week decision making period.
- The responsible officer will make the decision based on the Nomination, the representations and an assessment in accord with the Legislation.
- Once the decision to List is made, the asset owner and nominating community group will be informed.

What can I do if I don’t agree with the decision to list my asset?

If your land/asset is placed on the “List of Assets of Community Value” and you disagree with this decision, you have will eight weeks, from the date of the ‘listing decision’ letter, to request an internal review.

Your land/asset will remain listed whilst the review is conducted.

Please make this request in writing to the ACV team. The internal review of the listing decision will be conducted by a member of the corporate management team (the reviewer). It is helpful to include with your request any information or evidence you would like the reviewer to take into account.

The owner may appoint a representative and the Council is required to provide all relevant documents to representatives.

The owner/representative can make representations to the reviewer orally and/or in writing. If you would like an oral hearing, please request one in writing.

The Council has eight weeks to conduct internal reviews and the owner and authority will bear their own costs of the review.

If you are unhappy with the outcome of the review of the listing decision, you have the right to appeal to the First Tier Tribunal. This must be made within 28 days from the date on which notice of the decision appealed against was sent to the owner. Appeals may be both on points of law and on findings of fact.

Owners should send the appeal in writing to the First-Tier Tribunal at:
Tribunal Clerk,
Community Right to Bid Appeals
HM Courts & Tribunals
First-tier Tribunal (General Regulatory Chamber)
PO Box 9300
Leicester
LE1 8DJ

Or at GRC.Community.Rights@hmcts.gsi.gov.uk

What do I need to do if I wish to sell my property/land that is on the List of Assets?

If you plan to dispose of your asset through a freehold sale or the grant/assignment of a qualifying lease (i.e. originally granted for at least 25 yrs) you are legally obliged to notify the Council of this. Once we have been notified, we will calculate the moratorium periods, based on the date we receive notification and inform the community of your intention to dispose of the asset.

What happens once I have notified the Council of my intention to dispose?

Unless an exemption applies you will now only be able to dispose of your asset after a specified window of time has expired.

The first window is a period of 6 weeks, i.e. the Interim Moratorium period. This time allows community interest groups to express an interest in bidding for your asset.

If a written request is received by a valid community interest group, the moratorium period will be extended to be 6 months in total. If no request is received, the moratorium will end after the initial 6 weeks and you will be able to sell to whomever you choose.

The full moratorium is designed to give local community groups time to raise the funds to purchase the asset. During this period you are allowed to market the property and negotiate sales, but you cannot exchange contracts or enter into a binding contract to do so later. The only exception to this is that you may sell to a community interest group during the moratorium period.

Following the moratorium period you will be free to sell to whomever you choose and no further moratorium will apply for the remainder of a protected period lasting 18 months (running from the same start date of when the owner notified the local authority of wishing to sell).

Please note that if you feel you have incurred loss or expense as a result of the asset being listed you have a right to claim compensation for this loss/expense.