



## Community nomination in respect of

### **Grade II Windmill, Hilderstone Road, Stoke on Trent ST3 7PB**

Notice under section 91 of the Localism Act 2011

#### **1 Nomination**

On 20<sup>th</sup> March 2024 the Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list **Landmark Windmill and car park, Hilderstone Road, Stoke on Trent ST3 7PB** as an asset of community value. The nomination was made by **Fulford Parish Council**. A copy of the nomination is attached at **Appendix 1** and a plan showing the boundaries of the nominated land is attached at **Appendix 2**.

#### **2 Law and Statutory Guidance**

Under section 87 of the Act the Council must maintain a list of land of community value in its area. A building or other land is of community value if in the Council's opinion an actual current use of the building or other land that is not 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.

Under section 89 the Council can only include land in its list of assets of community value in response to a community nomination or where permitted by regulations. A community nomination in England can only be made by either a parish council in respect of land within its area or by a person that is a voluntary or community body with a local connection. Where a valid community nomination is made the Council must consider it and must accept the nomination if the land is within its area and is of community value

#### **3 Decision and Reasons**

The Council **refuses** the nomination by **Fulford Parish Council** to include the **Landmark Windmill and Carpark** in its list of assets of community value.

The reasons for this decision are as follows:

1. The Windmill lies within the Borough of Stafford. An aerial photograph of the land appears to show it as a Windmill structure surrounded by a circular grassed area and a small area of hardstanding. This area is currently leased from the owners of a wider surrounding area consisting of the Windmill public house and adjoining car park. The nomination relates solely to the land leased with the Windmill structure.
2. Fulford Parish Council is a body eligible to make the application under section 89 of the Act.
3. The land does not appear to fall within a description of land which may not be included in the list as specified in Schedule 1 of the Regulations.
4. In order for a listing to be successful, a nomination must show that the land is of community value. This can be achieved by showing evidence of an actual, non-ancillary, use of the land that furthers the social wellbeing or social interests of the local community, currently, or that furthered such interests in the recent past.
5. The land has already been the subject of a previous nomination by the Meir Heath and Rough Close Community Action Group, dated 11<sup>th</sup> October 2023.
6. The previous nomination was refused and a copy of the reasons can be found on the Council's List of Unsuccessful Nominations on its website. In the refusal decision it was pointed out that the process for listing community assets is not concerned with the protection of historic buildings themselves. It is purely concerned with the use of land or property by the local community. The historic importance of the structure itself, or issues such as its impact on the local skyline, are not, therefore, relevant to my consideration of whether to list the property as a community asset.
7. The listing process is purely concerned with evaluating whether there is a current, or recent, physical use of the property that constitutes a community use. A community use must be a use that furthers the cultural, recreational or sporting interests of the local community or a use that furthers the social wellbeing of the local community. While the previous nomination stated that, for at least 10 years, the building had opened for events at Easter, open days, Halloween, Remembrance Day and Christmas, it did not expand on what the purpose of these visits were and when these openings last occurred.
8. In the absence of any evidence elaborating on how and when the building had been used by the community, or explaining how and when

the most recent community uses had taken place, I was unable to list the property as a community asset.

9. The current nomination reiterates the historical importance of the structure. Its only reference to a community use is that *"it is used for various historical talks, santas grotto which bring the community together"*. This sentence is insufficient to prove that the structure is currently used for community purposes, or that it has been used for such purposes recently, or to show that such uses are more than an ancillary use of the land.
10. On the evidence submitted it appears that the main use of the land is for the siting and preservation of a historic monument. The use of that monument for occasional historical talks would not appear to amount to a significant physical community use of the land in its own right and appears subsidiary, or secondary, to the main use.
11. For the reasons set out above, the current nomination of this land is unsuccessful, and the land will not be listed on the register of community assets.

#### 4 Next Steps

**The Landmark Windmill at Hilderstone Road** will **not** be included in the list of assets of community value maintained by the Council under section 87 of the Act.

In accordance with section 91 of the Act the Council will send this notice to:-

- (a) the owner of the land
- (b) the occupier of the land if the occupier is not the owner
- (c) Fulford Parish Council as the nominee body

#### 5 Additional Help

Further information about assets of community value is available from the website <http://mycommunityrights.org.uk/community-right-to-bid/> If you need any additional support in relation disposal of the land, the right of review or right to compensation you are advised to seek independent legal advice.

Signed: \_\_\_\_\_



Dated: 5/4/24

Head of Law and Governance