



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 20th March 2024 the Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list the **Windmill Public House and surrounding 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** (this nomination excludes the historic Windmill structure located approximately in the area shown as a hatched circle within the plan).

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 **accepts** the nomination by **Fulford Parish Council** to include the **Windmill Public House and Carpark** in its list of assets of community value.

The reasons for this decision are as follows:

1. The Windmill Public House lies within the Borough of Stafford. An aerial photograph of the land appears to show it as a building used as a Public House and an adjoining large car parking area with signage inviting visitors to the public house to park. In the middle of the car park is a circular piece of land with a Grade II historic Windmill structure located thereon. The historic Windmill structure, and grassed area surrounding it, is not included in this nomination.
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 nomination states that *“the public house currently boosts the social interest and social wellbeing of the local community by acting as a community hub where isolated people come for conversation and company. Where families come to meet and eat together. Pubs often serve the purpose of being the third place, a space other than the domestic home or the workplace where people meet to converse, interact and form and maintain social bonds. The Windmill public house is a focal point for community events in the past which could continue in the future”*.
6. This description is quite generic and doesn't provide any great detail as to how the Windmill pub itself is used by the local community. It should be noted that the legislation did not automatically designate public houses as assets of community value, and the use of any nominated pub by each relevant local community needs to be assessed individually. For example, some pubs may operate solely as commercial dining venues, operating no community events, and with social drinking an ancillary activity. Similarly some pubs may have no connection with any particular local community (such as some city centre drinking venues).
7. This nomination does confirm that the pub is currently used by the local parish community. On inspection of the pub's social media page on “Facebook” it is also apparent that the pub is open and that the social media site is regularly updated and maintained. Although a lot of posts

promote the food offering, it is also apparent that the pub offers attractions to the local community such as drink offers, live showing of sports events, quiz nights and a darts board.

8. Having satisfied myself that there is a current community use of the pub, I must go onto consider whether a continued community use of the pub is realistic. I have no evidence before me to suggest that its current use could not continue and I therefore consider it is realistic to think that a community use could continue.
9. The nomination also argues that *“the car park is used for school drop off and pick up to Meir Heath Primary School. It is also used as a car park or customers using the local business for example the barbers and butchers. The land that acts as a car park again further the social wellbeing and interest of the local residents by providing them with parking to go about their normal daily activities”*.
10. I have no evidence to suggest that these uses are significant in their own right and I am not persuaded that they are anything more than an ancillary use of the existing pub car park. However, I do consider that the car park is an integral part of the public house use and that such use does amount to a community use in its own right.
11. For the reasons set out above, the nomination of this land is successful, and both the Public House and its adjoining car park will be listed on the register of community assets.

4 Next Steps

The Windmill Public House and car park at Hilderstone Road will 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 Consequences of Listing

The land will remain on the list of assets of community value for a period of 5 years from the date of this notice unless removed with effect from some earlier time in accordance with the provision of the Regulations.

Inclusion of the land in the list of community assets is a local land charge under the Local Land Charges Act 1975.

The Council is required under Schedule 4 of the Regulations to apply to the Land Registry for a restriction to be added to the registered title of the land that "No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011".

Under section 95 of the Act an owner must notify the Council by writing to the Head of Law and Governance, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ if they wish to enter into a relevant disposal of the land. Relevant disposal is defined in section 96 and (subject to exemptions in section 95(5) and Schedule 3 of the Regulations) means, a freehold disposal or the grant or assignment of a qualifying leasehold interest, with vacant possession.

A moratorium period is triggered by notification under section 95 to allow any community interest group to submit a written request to be treated as a potential bidder for the land. Owners are advised to refer to the Part 5 Chapter 3 of the Act and the Regulations in full and to seek legal advice if they wish to dispose of the land. A disposal of listed land which contravenes the requirements of Act and Regulations will be ineffective.

6 Right of Review

In accordance with section 92 of the Act the owner of the land is entitled to request a review of this decision. The review will be carried out by a senior officer of the Council nominated by the Chief Executive. A request must be made in writing and received by the Council within 56 days of the date of this notice or such longer period as the Council may agree in writing. Please ensure that the request explains on what grounds the decision should be reviewed.

If a request is made the Council will complete the review within 56 days of receiving the request or such longer period as is agreed with the owner in writing. A request must be addressed to the Chief Executive, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ.

7 Right to Compensation


In accordance with paragraph 14 of the Regulations an owner or former owner of the land is entitled to claim compensation from the Council of such amount as the Council may determine, where they have incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.

A claim for compensation must be made in writing within 91 days of the loss or expense being incurred (or as the case may be) finish being incurred; must state the amount of compensation sought for each part of the claim and be accompanied by supporting evidence for each part of the claim.

If a claim is made the Council will consider the claim as expeditiously as possible. A request must be addressed to the Head of Law and Governance, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ.

8 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