

Eden District Council

Cabinet
24 May 2022

Nomination as an Asset of Community Value - The Crown and Mitre, Bampton Grange

Portfolio:	Resources
Report from:	Assistant Director Legal and Democratic Services
Wards:	Askham
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To consider the nomination of the Crown and Mitre, Bampton Grange, as an Asset of Community Value under the Localism Act 2011.

2 Recommendation

It is recommended that the nomination of the Crown and Mitre, Bampton as an asset of community value not be accepted.

3 Report Details

- 3.1 A nomination has been received from the Crown and Mitre Conservation Group for the Crown and Mitre, Bampton Grange, to be listed as an asset of community value. The application is dated 13 January 2022. A copy of the nomination form is attached at Appendix A of this report.
- 3.2 A copy of the land to which the nomination refers is attached at Appendix C.
- 3.3 Under the Localism Act 2011 [“the Act”] and The Assets of Community Value (England) Regulations 2012 [“the Regulations”] made thereunder the Council has a duty to maintain a list of land in its area which is of community value, and also a list of unsuccessful nominations of such land. There is a summary of the statutory provisions setting out the procedure and criteria for the nomination of land appended to this report as Appendix D.
- 3.4 The Act goes further to state that a nomination must include certain information in order to be considered by the local authority. The nomination must include a description of the land, names of occupiers and owners of the land, the nominator’s reasons for thinking that the land is of community value and evidence that the nominator is eligible to make a nomination.
- 3.5 The nomination of land as an asset of community value can be made by numerous different parties. In this case it has been made by the Crown and Mitre Conservation Group under section 89(2)(b)(iii) of the Act. Regulation 5 confirms that a voluntary or community body can be an unincorporated body ‘whose members include at least 21 individuals’ and ‘which does not distribute any surplus it makes to its members’. The application is valid for the purposes of this nomination and thus the Council must consider the application.
- 3.6 Land which is of ‘community value’ is defined in section 88 of the Act. Briefly, its principal use must, in the Council’s opinion, ‘further the social wellbeing or

social interests of the local community' and 'it must be realistic to think' that such a use 'can continue' in the future.

Alternatively, there is a time in the 'recent past' when the principal use furthered the social wellbeing or interests of the local community and it is realistic to think that there is a time in the next five years when it would do so again (whether or not in the same way as before).

- 3.7 Under the Act 'social interests' can include cultural interests, recreational interests or sporting interests. The Act does not define 'recent past'. The Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government) commented that "we will leave it to the local authority to decide, since 'recent' might be viewed differently in different circumstances. For example, 'recent' might be taken as a longer period for instance for land which was formerly used by the public until the MoD took it over for live ammunition practice, than for a derelict building. Ten or even twenty years might be considered recent for the former but not for the latter."
- 3.8 The Crown and Mitre Conservation Group sets out the reasons why they believe that the nominated land should be viewed as being of community value in the supporting document attached to Appendix A, including but not limited to:
- The Crown and Mitre has been a destination for visitors to the area, in particular Coast to Coast walkers as the area is a stop along the route
 - It has provided local employment
 - It has furthered the social wellbeing and interests of the local community by supporting darts and quiz teams, local meetings, celebrations and wakes
 - Social interaction has encouraged community cohesion and a collective sense of wellbeing; the village is an isolated community with poor transport links and an increasingly less mobile population so the availability of the Crown and Mitre is an important facility for the community
 - The nomination also highlights extracts from planning documents (please note the planning authority is the Lake District National Park).
- 3.9 The nomination form explains that the Crown and Mitre building (dating from circa 1850) had been used as a pub with rooms. However, it was sold in October 2021 and has since been advertised as a self-catering holiday let with 12 bedrooms sleeping up to 24. The current owner has addressed this in their consultation response (see Appendix F) stating the premises is a hotel, continues to be used as a hotel and the aforementioned advert was part of a strategy to increase bookings and ensure the property remains viable.
- 3.10 The nominated land falls within the remit of the Lake District National Park Planning Authority ("LDNP). An officer of the LDNP explained that it is not entirely clear at present what the authorised use of the property is. There appears to be three options - public house (suis generis use), hotel (C1 use) or mixed use (also suis generis).
- 3.11 It is understood that a change of use to self-catering holiday letting accommodation from either of the three options (drinking establishment, hotel

or mixed use) could constitute a material change of use requiring a planning application and no such application has been submitted. The LDNP is likely to issue a Planning Contravention Notice to seek further information in respect of the current use.

- 3.12 It was not considered appropriate to further delay a determination of this ACV nomination on the basis that the permitted class use is yet to be determined. This is because there is not a current planning application and no certificate of lawfulness has been issued. Title documents obtained recently from HM Land Registry describe the land as Crown and Mitre Hotel. However, it is the principal use of the establishment in the recent past, or likely use in the next five years, which is of importance for the purposes of determining this ACV.
- 3.13 Land used as a residence is often exempt from being an ACV. However, Schedule 1 of the Regulations confirms that land can be listed if, but for the residential use the land, it would be eligible for listing. Therefore, if the principal use of the hotel/pub (other than as accommodation) furthered the social interests of the community in the recent past and it is likely to do so in the next 5 years, it can be added to the list.
- 3.14 The Crown and Mitre has been nominated twice before in 2017. During the Executive meeting on 4 July 2017, it was resolved that the application be refused on the basis that the Executive were not satisfied that the listing of the asset would further the social wellbeing of the community based on information that had been supplied by the owner that indicated that other facilities were available in the village to further social wellbeing. Further, on 7 November 2017, it was again resolved that the application to list the Crown and Mitre, Bampton Grange be rejected on the grounds that there were other facilities within the village and the application did not meet the criteria of furthering the social wellbeing of the local community. Therefore, it is worthwhile noting that The Mardale pub has since closed but the community are in the process of raising funds for renovation work to be done.
- 3.15 Consideration has been given to whether the land has been used for the relevant purpose in the 'recent past'. Any unauthorised use of the premises (if any) should not be relied upon in considering the realistic use of the land in the next 5 years.
- 3.16 Public houses/hotels have been forced to close or significantly reduce their operations intermittently since the onset of COVID-19. However, the Crown and Mitre has only been open to overnight guests and has not opened to the general public since restrictions ceased. The term 'recent past' is open to interpretation and Members should take all representations into consideration.
- 3.17 As above, for a nomination to be accepted it must also be realistic to think that the relevant community use (either in the same or different way) will occur in the next 5 years.

On the basis of the information available, it does not appear likely that the Crown and Mitre will reopen to, and be used by, the community in the next 5 years.
- 3.18 It is pertinent to highlight that, if the nomination was successful, this would not grant any ownership rights to the nominator, nor would they be entitled to stipulate how the Crown and Mitre trades or operates.
- 3.19 In considering the nomination, Members should focus on the community use of the Crown and Mitre. In this regard, it is believed that the nomination should not be accepted based on the following:

- a) Although the Crown and Mitre may have been used for activities such as darts teams, quizzes, celebrations, wakes etc. previously, it is not currently used for such purposes.
- b) It is unlikely that there will be a time in the next five years when it would further the social interests and wellbeing of the community as the Crown and Mitre is not currently open to the public (other than overnight guests), nor is food served. Although the market is difficult to foresee, the owner does not have intentions to serve the wider public at present.

4 Policy Framework

4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, safe and secure;
- Connected; and
- Creative

5 Consultation

5.1 Consultation has been conducted in accordance with the statutory requirements of the Localism Act 2011 and the local ward member and Parish Council have been notified of the nomination.

5.2 Representations have been made confirming that Bampton Parish Council resolved to fully support this application as a community asset during their meeting on 6th April 2022, the council.

5.3 Representations have been made on behalf of the Owner and these can be found at Appendix F, including but not limited to the following:

- The property has been marketed via a number of agents since 2008 and there has been no serious offer by a community organisation to the owner's knowledge
- The nomination is believed to be vague and the owner was not informed of the nomination prior to EDC's consultation period
- It is unclear how visitors from afar will benefit the social wellbeing and interests of the community as they are transient in nature. The economic benefit would be accrued mostly by the owner not the community
- As an essential local service, the property has operated as a hotel and will continue to do so and how the property operates commercially is not a matter for an ACV
- No development proposal has been suggested
- The nomination is superfluous in that the community, Bampton Valley Community Pub Co-op, has raised funds for The Mardale public house
- The BVCP website makes clear there is a connection, at least in the minds of the BVCP, between the Crown and Mitre and The Mardale. The consultation response provides extracts from the BVCP website

5.4 Further representations have been made by the Crown and Mitre Conservation Group which provide additional background information in relation to the use of the pub, these can be found at Appendix G.

5.5 It is worth clarifying that there is no requirement for an applicant to provide notice of the nomination given there is a statutory consultation process. Furthermore,

day to day commercial business decisions are not determined by an ACV nomination but the use of the property/business is an important consideration as to whether the land ought to be nominated as a community asset.

6 Implications

6.1 Financial and Resources

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.
- 6.1.2 There are no proposals in this report that would reduce or increase resources, save for as referred to in paragraph 6.2.2 below.

6.2 Legal

- 6.2.1 The legislation provides an appeal mechanism for owners whose land is listed to a First Tier Tribunal, but contains no separate provision for disappointed applicants or nominating groups. However, interested parties could seek permission for a judicial review by the High Court of the Council's decision on various grounds, such as illegality, irrationality or procedural impropriety.
- 6.2.2 The Regulations provide that an owner or former owner of listed land is entitled to compensation from the Council if, at a time when the person was the owner of the land and the land was listed, they did incur loss or expense which would likely not have been incurred if the land had not been listed. This situation may potentially arise if the nominated land were to be sold and the value of the land was affected by the moratorium period. It is the owner's responsibility to provide evidence of the extra costs incurred and must be made within 13 weeks of the costs being incurred. However, please note that the compensation scheme does not usually extend to public authorities and bodies as defined at 12.5 of Appendix D.
- 6.2.3 The Council is required to determine the nomination within eight weeks of receipt. This nomination should have been determined on or before 10 March 2022. Whilst it is acknowledged that this report will be presented to the Cabinet after the determination date, the application requires to be determined.

6.3 Human Resources

- 6.3.1 There are no Human Resources implications arising out of the proposal.

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are not considered to be any equality or diversity implications relevant to the subject matter and the Council's responsibilities nor are there any rurality implications.
Health, Social Environmental and Economic Impact	The report takes into account the social interests and wellbeing of the community. There are not considered to be any adverse impacts under this heading.
Crime and Disorder	The Council is aware that adequate amenity provision and the social interests and wellbeing of the community are all matters that are likely to help reduce crime and disorder.

Consideration:	Details of any implications and proposed measures to address:
Children and Safeguarding	The Council is aware that adequate amenity provision and the social interests and wellbeing of the community are all matters that are likely to help promote the welfare of children.

6.5 Risk Management

Risk	Consequence	Controls Required
Members' attention has been drawn above in paragraphs 6.2 and Appendix D to the risk of its decision being challenged.	Legal challenge and compensation claims	The Council cannot be sure of the likelihood of any such challenge, which will depend partly on the resources available to those aggrieved. Legal and financial risks are closely linked, as is any impact on the Council's reputation. They are largely dictated by the provisions of the legislation and the Council's duties as explained. Regardless of the risks the Council must proceed to make a decision in accordance with its statutory duty.

7 Other Options Considered

7.1 None as the statutory criteria are considered to be met. The Council has a statutory duty to make a decision on the nomination.

8 Reasons for the Decision/Recommendation

8.1 To carry out the Council's statutory duty as the determining authority under the provisions of the Localism Act 2011.

8.2 Please also refer to 3.13 above.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	25 April 2022
Monitoring Officer (or Deputy)	3 May 2022
Relevant Assistant Director	N/A

Background Papers: None

Appendices: Appendix A - Nomination Form
Appendix B - Supporting Statements
Appendix C - Plan
Appendix D - Statement of Statutory Provisions
Appendix E - Representations from Bampton PC
Appendix F - Representations on behalf of the Owner
Appendix G - Representations from Crown and Mitre Conservation Group

Contact Officer: Lisa Tremble, Assistant Director Legal and Democratic Services (Monitoring Officer)

Eden District Council Community Right to Bid - Nomination Form

Assistance in completing this form can be found by downloading the guidance from the website

Section 1 About the property to be nominated

Name of property	Crown and Mitre
Address of property	Bampton Grange
	Penrith
Postcode	CA10 2QR
Property owner's name	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Tel	None registered for company
Current occupier's name	Unoccupied

Section 2 About your community organisation and its contact point

Name of organisation	Crown and Mitre Conservation Group		
Your Title	[REDACTED]	First Name	[REDACTED]
Surname	[REDACTED]		
Position in organisation	[REDACTED]		
Email address	[REDACTED]		
Address	[REDACTED]		
Postcode	[REDACTED]	Mobile	[REDACTED]

Organisation type - tick all that apply

- | | |
|--|---|
| <input checked="" type="checkbox"/> Unincorporated Community/Voluntary Group | <input type="checkbox"/> Parish Council |
| <input type="checkbox"/> Neighbourhood Forum | <input type="checkbox"/> Community Interest Company |
| <input type="checkbox"/> Industrial and Provident Society | <input type="checkbox"/> Charity |
| <input type="checkbox"/> Company Limited by Guarantee | <input type="checkbox"/> Other |

How many members do you have (this is particularly important for unincorporated community groups)?	21
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Section 3 Supporting information for nomination

Any information entered in this section only may be copied and passed onto the owner of the property you are nominating. Definition of an asset of community value can be found in the guidance document.

Why do you feel the property is an asset of community value? Please give as much information as possible and attach any supporting evidence.

- The pub has been used to further the social well-being and social interests of the local community and could do so in the future.
- The pub has been a destination for visitors to the area, in particular Coast to Coast walkers.
- The pub has provided local employment, both full and part time and is an essential local service.
- The closure of the pub has had an impact on the community.

Please see attached Supporting Evidence notes for further information.

Section 4 Boundary of property

What do you consider to be the boundary of the property? Please give as much detail/be descriptive as possible. Please include a plan and if this is not possible, please provide a sketch stating the dimensions of the property to be listed, as precise information is required for registration purposes.

Please see attached plan.

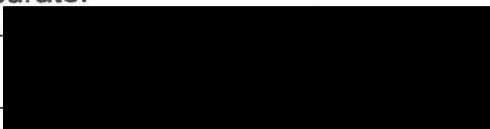
Appendix D in attached notes. The property consists of the area highlighted in yellow within the red boundary.

Section 5 Attachment checklist

- Copy of group constitution (Appendix C of attached notes)
 - Name and home addresses of 21 members registered to vote in nomination area (if group is not incorporated), plus confirmation they belong to the group and support the nomination. (Attached to Group Constitution Appendix C)
 - Site boundary plan and description (Appendix D)
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Section 6 Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed:		Dated:	13th January 2021
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Please send your completed form to:

Assistant Director Governance
Eden District Council
Town Hall
Penrith CA11 7QF

or email to: dcls@eden.gov.uk

Supporting Evidence

The Crown and Mitre is a Grade II listed building in the centre of Bampton Grange, a small village in a conservation area within the Lake District National Park.

The villages of Bampton and Bampton Grange could not be more representative of Lake District villages.

We have a shop and post office.

We have a tearoom

We have a Grade I listed church

We have a village hall with many active groups.

We even have a functioning telephone box (made famous in the film 'Withnail and I').

Bampton Grange is a declared conservation area for all these reasons and more.

The Crown and Mitre building (dating from around 1850) has always been a pub (with rooms); used extensively by the local community and for hosting visitors to the area (in the main as overnight accommodation on the Coast-to-Coast walk). There is landlord / owners' accommodation in the form of an attached flat. There is no land attached to the property.

In the past the pub has furthered the social well-being and social interests of the local community. It was a thriving hub within the community supporting darts and quiz teams, local meetings, celebrations and wakes, local hunt meets and other social events. It also enabled local people, on a day-to-day basis, to meet and socialise in a welcoming environment which, individually, they found rewarding and enjoyable. Such social interaction was also in the interests of the village as a whole as it encouraged community cohesion and a collective sense of well-being. Over the last few years the previous owner lost interest in running the pub and made no effort to encourage the business to continue and to grow. The recent Covid pandemic has further affected the business. However, there is interest and demand for the Crown and Mitre to continue as a community facility for both locals and visitors and widespread support for the ACV application. There is huge potential in the Coast-to-Coast walking business as the area is a stop on the route and there is little local single night accommodation available.

The village is an isolated community with poor public transport links and an increasingly less mobile population so the availability of the pub is an important facility for the community. The entire village supports the ACV application and a community group has been formed to facilitate this (see Appendix C).

There has been a previous ACV application (2017) which was unsuccessful. The property was recently sold. The interior has been merged into a single unit, a hot tub (with multi-coloured changing lights) has been installed, a games room created and it is now being advertised (via Sykes Cottages – see Appendix A) as 'an impressive detached house' with 12 bedrooms sleeping 24 to be hired as a self-catering holiday let. This is not an appropriate development for a building of this nature in this location. The current owner has not applied for a change of use for the pub; there have been no planning applications or building regulation requests made against the property.

There are already several holiday lets and second homes in the village or close by (within ½ mile). These range from 2 persons up to 32 persons whilst the population of the village itself is under 50. It is damaging to the community to have the Grade II listed local pub transformed into a 24 person holiday let right in the heart of the village.

Eden Local Plan 2014 – 2032, National Planning Policy Framework and Lake District National Park Partnership's Management Plan 2020 – 2025 all support the retention and preservation of community assets such as the Crown and Mitre. (See Appendix B).

APPENDIX A

Advert for Crown and Mitre [REDACTED] via Sykes Cottages)

Crown & Mitre Hotel

Bampton near Shap, Cumbria & The Lake District (Ref. 1076524)

- 7 nights from Fri 7 Jan - Fri 14 Jan Was ~~£2501~~ **£2258**
- Fri 21 Jan - Fri 28 Jan Was ~~£2501~~ **£2258**
- 7 nights from Fri 28 Jan - Fri 4 Feb Was ~~£2501~~ **£2258**

Sleeps 24 Bedrooms 12 Bathrooms 11 Pets No

Features

- Hot tub
- Off road parking **Note: the property does not own any land all parking being advertised is on public land**
- Open fire
- Garden / Patio
- Dishwasher
- Games Room
- Broadband / WiFi

The property

Constructed in the mid-18th century this fantastic hotel is now the ideal holiday venue for a family gathering or group of up to 24.

After parking in one of the handy off-road spaces for four cars, or one of the three spaces nearby, progress into this grand building, and be welcomed by an entrance hall that boasts an opulent chandelier.

Turn to your left to be drawn into a large living/dining room that offers plenty of seating for the whole family to settle down on, as well as a TV and a bar area with fridges, dishwashers and equipment for you to serve up a tasty tippie after an adventurous outing.

After cosying up with your loved ones, continue to the amply equipped kitchen, thanks to its commercial nature, the space offers industrial-grade appliances, including glasswashers, a dishwasher, as well as all the utensils you need to prepare delectable dishes.

Enjoy a sumptuous dinner in the nearby dining room, which offers two banqueting tables that seat up to 24 in total; crack open a bottle of wine, and toast to this impressive retreat, before tucking into a tasty meal.

As night falls, venture out to the patio and savour a soothing soak in the hot tub in your calming surroundings, whilst the younger members of the group head to the games room for air hockey or table football tournament.

When you begin to feel weary, make your way up to the first floor to find eight of the 12 well-presented bedrooms in the property, including: a super-king-size, two king-size, two doubles and three twins; all of the bedrooms on this floor boast access to their own en-suite shower rooms, with one of the twins hosting an en-suite bathroom, replete with a roll top bath.

Continue to the second floor where four more beautifully decorated bedrooms are situated, including a studio-style room with a super-king-size bed, dining area, sitting area and woodburning stove, which is ideal for those seeking some extra privacy, as well as a super-king-size, king-size and a family room hosting three single beds.

The second floor also hosts a bathroom that has been finished to a very high standard and boasts a roll-top bath and a separate walk-in shower; the ground floor also features two cloakrooms with multiple basins and WCs, for added convenience.

In the morning, get to know the local area and explore the nearby RSPB Haweswater nature reserve or the ruins of Shap Abbey, before stopping in the village of Shap to purchase any essentials from the local post office & village shop, or relish a hearty meal at one of the many friendly pubs.

A day out in Pooley Bridge awaits with; plenty of watersports to be experienced at the adjacent Ullswater; hikes to be embarked upon through the enchanting woodland of Dunmallard or along River Eamont; horses to be ridden at the local Park Foot Pony Trekking Centre.

Why not visit Penrith, home to a walker's paradise in the form of Penrith Beacon's surrounding woodland, the beautiful Thacka Beck Nature Reserve, or the historian's favourites of Penrith & Eden Museum, and the remains of Penrith Castle.

Penrith backs onto a fantastic golf range, it is the home to the breathtaking Brougham Castle, as well as the Lakeland heritage centre & cinema of Rheged; you'll rarely find yourself lacking things to do here!

With the sights of the Lake District National Park on your doorstep, and the towns of Kendal, Windermere and Keswick within easy reach; there is so much to see with a stay at the Crown & Mitre Hotel.

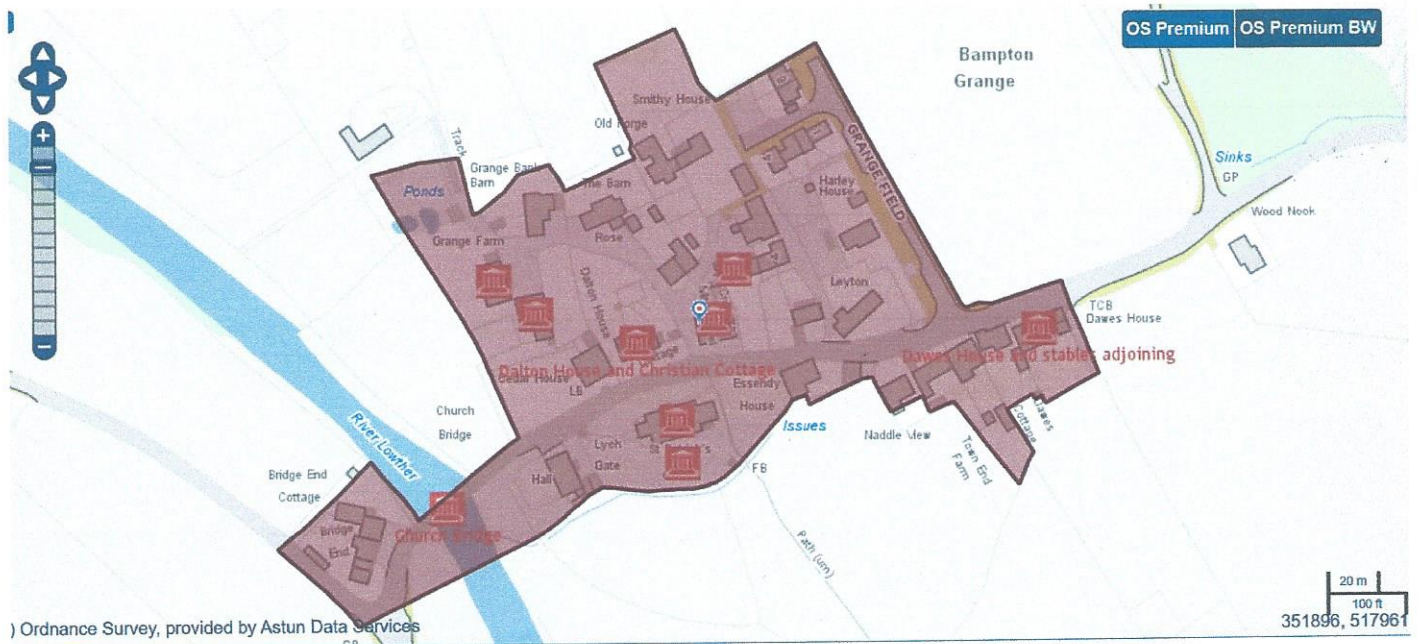
Please note this property only accepts bookings on starting Mondays and Fridays only

Summary

- Over three floors
 - 12 bedrooms: 1 x second-floor studio-style layout with a super-king-size, kitchenette, dining area, sitting area, TV and woodburning stove, 1 x super-king-size with TV and en-suite walk-in shower, basin and WC, 1 x second-floor super-king-size, 2 x king-size with TV and en-suite walk-in shower, basin and WC, 1 x second-floor king-size, 2 x double with TV and en-suite walk-in shower, basin and WC, 1 x twin with TV and en-suite roll-top bath, hand-held shower, basin and WC, 2 x twin with TV and en-suite walk-in shower, basin and WC, 1 x second-floor twin
 - Second-floor bathroom with roll-top bath, hand-held shower, walk-in shower, basin and WC
 - 2 x cloakrooms with two basins and two WCs
 - Kitchen
 - Dining room
 - Living/dining room with bar area
 - Games room
 - Central heating with woodburning stove
 - 2 x electric ovens and hobs, fridge/freezer, 3 x fridges, 3 x dishwashers
 - 10 x TVs, WiFi, selection of books
 - Fuel, power and starter pack for woodburning stove inc. in rent
 - Bed linen and towels inc. in rent
 - Off-road parking for 4 cars, with additional parking for 3 cars next to the church wall
 - Rear enclosed patio with hot tub
 - Sorry, no pets and no smoking
 - Shop 0.5 miles, pub 3.9 miles
 - Note: There are sloped ceilings in two of the second-floor bedrooms, please mind your head
 - Note: There are concrete steps in the property leading away from the Bar Area, please take care
- Note: This property has a Good Housekeeping bond of £1000.

APPENDIX B

Eden Local Plan 2014 – 2032: Extracts



4.34 Thriving Communities 4.34.1 Community services and facilities are an essential part of life for the residents of Eden, and make up a large part of what contributes to the quality of life for the population. It is important that the four main towns in particular offer a wide range of accessible community facilities, so there is no need to travel out of the district. **Eden also contains an extensive patchwork of smaller villages where the retention of community services and facilities remains a key challenge if such villages are to thrive and retain their character.**

4.35.3 The policy also provides specific safeguards to help prevent the loss of community facilities in rural areas, which can often run on the margin of viability. In rural Eden and in particular those villages that are not well served by public transport, a lack of such facilities can have a major impact on the vitality of local communities as well as individuals, particularly the less mobile and those without access to a car. Once lost, these facilities can be difficult to replace.

4.35.4 Linked closely to this policy is the Community Right to Bid. This is a new right created through the Localism Act that gives community groups the right to prepare and bid to buy community buildings and facilities that are important to them including a village shop, pub, community centre, allotment, parks, library etc. before they are privately sold.

4.35.5 Community services and facilities are an essential part of life for the residents of Eden. One of the major challenges facing small rural settlements in particular is their ability to retain local services and facilities, which are essential for maintaining villages as sustainable communities.

4.35.6 Supporting thriving rural communities is also one of the core planning principles set out in the National Planning Policy Framework (NPPF), which requires Local Authorities to promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings and places of worship.

4.36 Policy COM2 – Protection of Open Space, Sport, Leisure and Recreation Facilities

Development proposals that result in the loss of open space, sport, leisure, allotments, recreational and cultural facilities will not be permitted.

LDNPP Strategy 2020-2025

One of the Key outcomes under the Vibrant Communities section aims keep people successfully living, working and relaxing within upland, valley and lakeside places where distinctive local character is maintained and celebrated.

It also states that a high proportion of housing should remain in permanent occupation.

They also support appropriate ways to tackle excessive numbers of empty and, or 'holiday houses' where this occurs. This is to ensure a sufficiently high proportion of existing houses are permanently occupied.

APPENDIX C

Crown and Mitre Conservation Group Constitution

CONSTITUTION - Adopted on 11th January 2022

1. The Name: The name of the group is **Crown and Mitre Conservation Group** ("the Group").

2. Area of benefit:

The area of the Crown and Mitre in Bampton Grange, Cumbria, the Parish of Bampton and surrounding areas.

3. Aims:

The Group's aims are:

- i) To prevent inappropriate development of the Crown and Mitre; a listed building in the centre of a small village in a conservation area within the Lake District National Park which has operated as a pub for over 200 years.
- ii) To encourage the use of the Crown and Mitre as a facility for the community; for socialising, community activity and community cohesion, with specific reference to isolated groups in order to improve the conditions of life for those persons making use of those facilities, and to promote the greater integration and cohesion of the communities in the area of benefit.
- iii) To apply to have the Crown and Mitre declared an Asset of Community Value.
- iv) To encourage the Group's members to actively participate in the management of their Group and activities.
- v) To promote such other purposes as may from time to time be determined.

4. Membership:

- i) Membership of the group shall be open to anyone living within the village of Bampton Grange, the Parish of Bampton and the surrounding area.
 - ii) Membership of the Group shall be open, irrespective of sex, sexual orientation, race, nationality, disability, or political, religious or other opinion.
 - iii) Members will agree to abide by the rules of the Group regarding membership and behaviour.
 - iv) Every member shall have one vote
- Membership will begin when the member has signed this document.
There will be no membership fee.

5. Termination of Membership

Members may resign at any time.

The Committee shall decide if someone's membership is to be suspended or terminated on grounds of unacceptable behaviour or breach of membership rules.

6. Management Committee

The Management Committee shall:

- i) in the first instance consist of [REDACTED]
- ii) meet at least once a year.
- iii) have the power to co-opt, as additional members, such persons as can assist in the achievement of the Group's aims

7. Special General Meetings

The Management Committee may call a Special Meeting at any time, if at least 2 members request such a meeting in writing stating the business to be considered.

At least 5 days notice must be given stating the business to be discussed.

Special General Meetings may *only* consider the business for which they have been called, and this should be clearly noted on the notice of the meeting, which should be sent to all members.

8. Constitution

Notice of proposed amendments to the Constitution must be given in writing not less than 28 days before the meeting at which it is first to be considered.

The above Constitution shall only be altered by resolution passed by a two-thirds majority of the members.

Notice of each such meeting must have been given not less than 14 days prior to the meeting in question and giving the wording of the proposed alteration.

9. Dissolution

The procedure to wind up the Group shall be by simple majority at a Special Meeting.

10. Not for profit Status

The group's activities shall be solely directed towards the achievement of its aims and conducted on a not-for-profit basis. The group will not make any financial transactions.

Signatures; name, address and date:

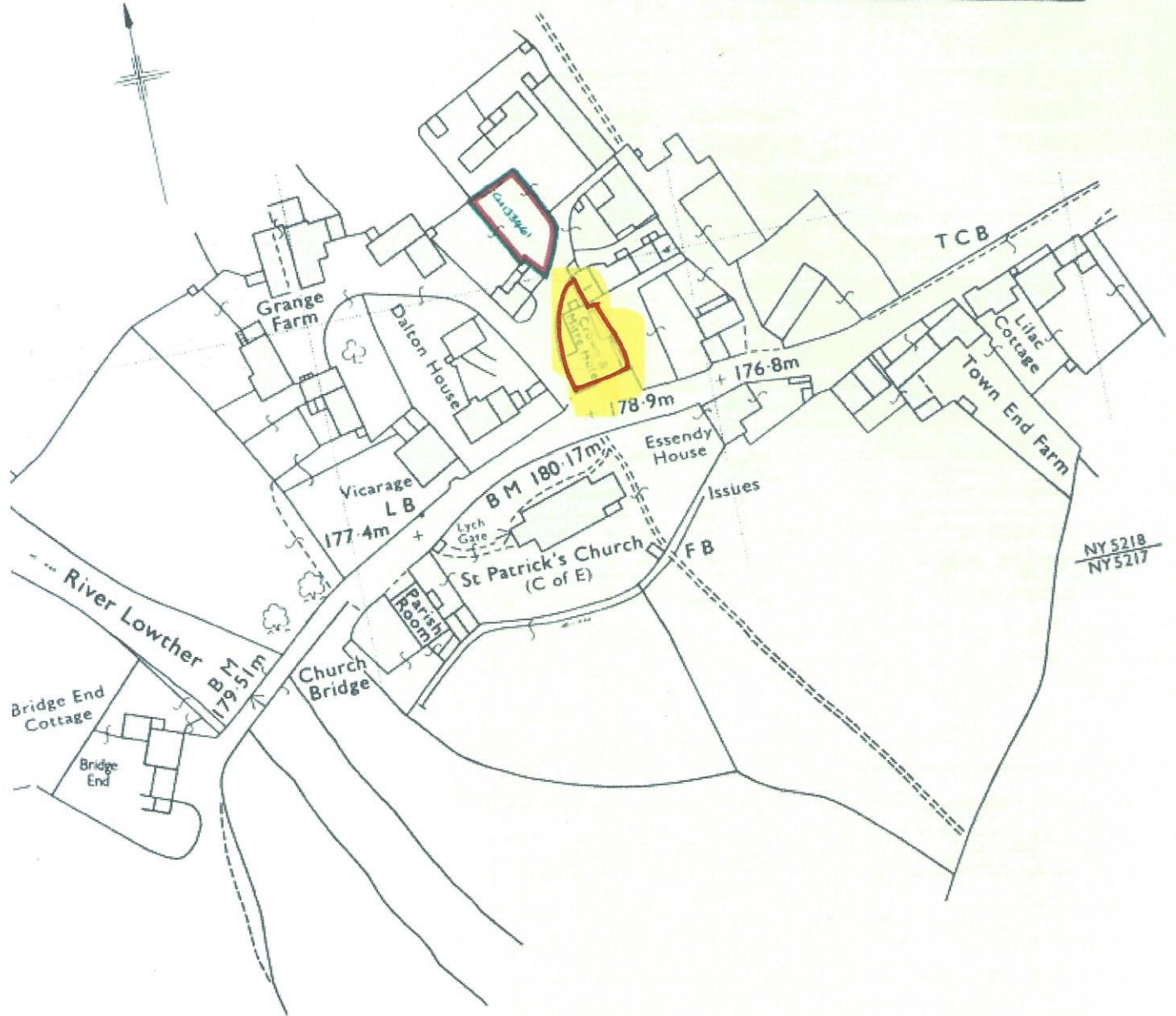
	Name and address	Signature	Date
1.			11/01/22
2.			11.1.22
3.			11/01/22
4.			11/1/22
5.			11/1/22

6.			11/1/22.
7.			11/1/22
8.			11/1/22
9.			11.1.22.
10			11.1.22
11			11-1-22
12			11-1-22
13			11.1.22.
14			11/1/22

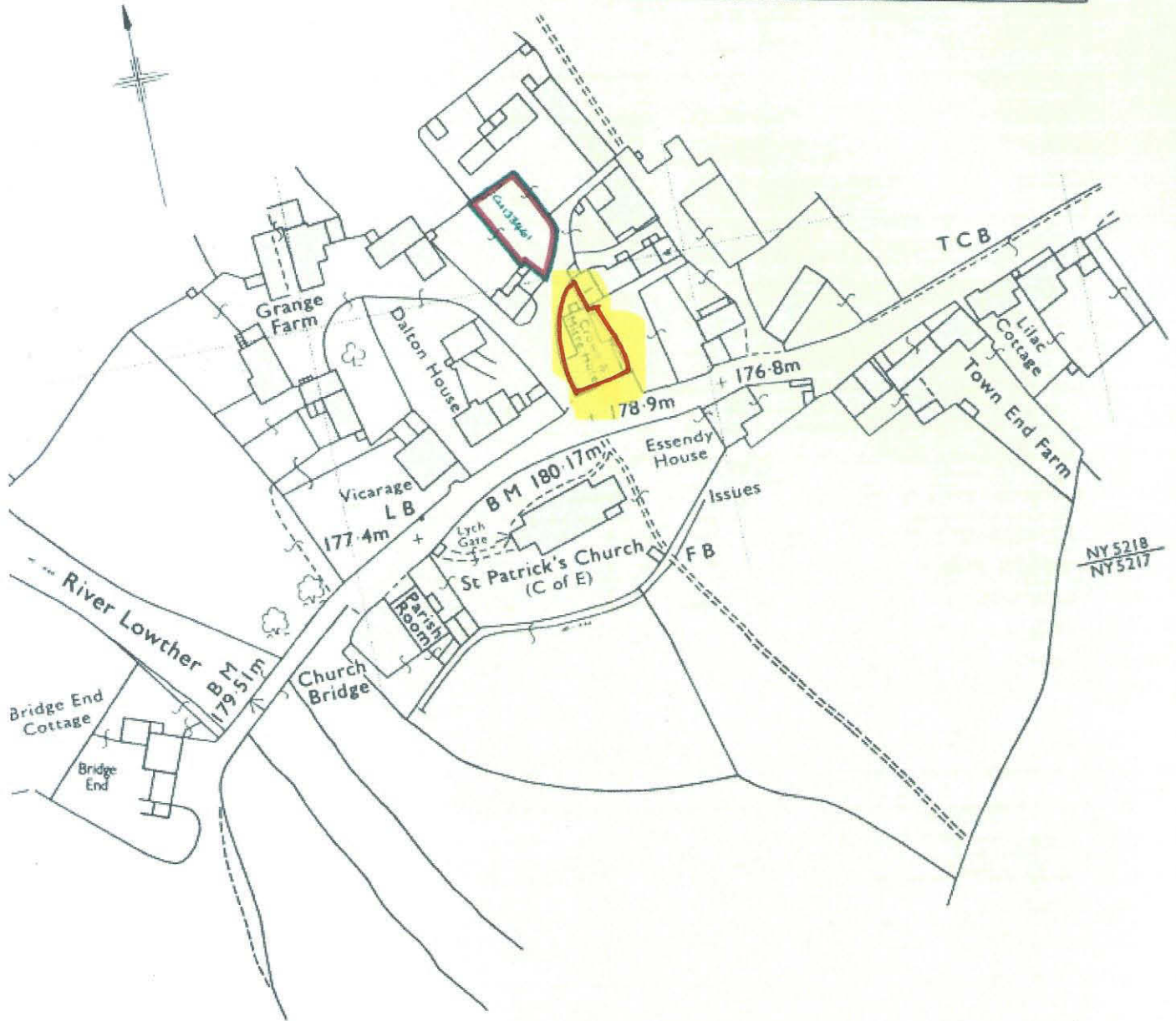
15	[REDACTED]	11-1-22
16	[REDACTED]	11/1/22
17	[REDACTED]	11/1/22
18	[REDACTED]	11/1/22
19	[REDACTED]	[REDACTED] 11/1/22
20	[REDACTED]	11-1-22
21	[REDACTED]	11.06.22
22	[REDACTED]	
23		

APPENDIX D

H.M. LAND REGISTRY		TITLE NUMBER	
		CU81152	
ORDNANCE SURVEY PLAN REFERENCE	NY 5218	SECTION A	Scale 1/1250 Enlarged from 1/2500
COUNTY CUMBRIA	DISTRICT EDEN	© Crown copyright 1986	



H.M. LAND REGISTRY		TITLE NUMBER	
		CU81152	
ORDNANCE SURVEY PLAN REFERENCE	NY 5218	SECTION A	Scale 1/1250 Enlarged from 1/2500
COUNTY CUMBRIA	DISTRICT EDEN		© Crown copyright 1986



Eden District Council

Assets of Community Value

**A Summary of the Statutory Provisions
Procedure to Nominate Land**

1. Introduction

- 1.1 Under the Localism Act, the Council has to maintain a list of land in its area that is of community value. The obligation arises under Section 87 of the Localism Act. It is for the Council to decide the form and content of its list of assets of community value, subject to whatever regulations the Secretary of State may make.

2. Land of Community Value

- 2.1 A building or other land in the Council's area is land of community value if in the authority's opinion:
- a) an actual or current use of the building or other land furthers the social wellbeing or social interests of the local community; and
 - b) 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.

3. The Procedure for including Land in a List

- 3.1 Land in the Council's area which is of community value may be included in the list only:
- a) in response to a community nomination; or
 - b) were permitted by regulations made by the Secretary of State.
- 3.2 A community nomination means one which nominates the land in the area for inclusion in the list of assets and is made by a Parish Council or by a person that is a voluntary or community body with a local connection.
- 3.3 Regulations may enable a nomination to be made by someone in circumstances other than where it is a community nomination.
- 3.4 Upon the community nomination being made it must be considered. The Council must accept the nomination if the land is in the Council's area and of community value. If the Council is required to accept the nomination, the authority must cause the land to be included in the list of assets. If the nomination is unsuccessful the Council must give to the person who made the nomination the authority's written reasons for its decision that the land could be included in the list.

4. Notice of Inclusion

- 4.1 The Council must give a written notice of the inclusion or removal of land in its list of assets of community value to:
- a) the owner of the land;
 - b) the occupier of the land if he is not the owner;
 - c) if the land was included in the list in response to a community nomination, the person who made the nomination; and
 - d) any person who is so specified in the regulations.
- 4.2 If appropriate where it is not reasonably practicable to give a notice, the Council may instead take reasonable alternative steps to bring the notice to the person's attention.

5. Review of a Decision

- 5.1 The owner of the land included within the authority's list of assets of community value may ask the authority to review the decision. The Council must notify the person concerned of the decision and the reasons for the decision on any review. The Council may remove the land and if it does so, must give notice to the body which made any community nomination.

6. List of Unsuccessful Community Nominations

- 6.1 The Council must maintain a list of land in its area that has been nominated by unsuccessful community nominations. This list is to be known as the list of land nominated by unsuccessful community nominations.

7. Publication

- 7.1 The Council must publish its list of assets of community value and the list of any land nominated by unsuccessful community nominations. The list must be available for inspection. The Council must provide a free copy of its list of assets to any person who asks for it.

8. Moratorium

- 8.1 The person who is the owner of land which is included within the authority's list of assets of community value must not enter into a relevant disposal of the land unless certain conditions are met. The conditions are:
- a) The particular person has notified the Council in writing of that person's wish to enter into relevant disposal of the land;
 - b) Either the interim moratorium period has ended without the Council having received from any Community Interest Group a written request for the Group to be treated as a potential bidder for the land or the full moratorium period has ended; or
 - c) That the protected period has not ended.

- 8.2 There are exclusions from the moratorium where a disposal is by way of gift or in relation to a disposal by will or intestacy, amongst others.
- 8.3 The full moratorium period means six months beginning with the date upon which the Council receives notification under Condition 8.1 a.
- 8.4 The interim moratorium period means six weeks beginning with the date upon which the Council receives notification under Condition 8.1 a.
- 8.5 The protected period means the period of eighteen months beginning with the date upon which the Council receives notification in relation to the disposal under Condition 8.1 a.
- 8.6 The meaning of the term “relevant disposal” is defined in the Act: Section 96 and includes the disposal of the freehold estate or the grant of a qualifying leasehold estate. The effect of the moratorium is that the community has to make an initial expression of interest in six months and the owner cannot sell to anyone else for six months if it does.
- 8.7 The effect of listing is to prevent a sale until there has been an adequate period to submit a bid should the owner wish to sell.
- 8.8 The Council’s list of assets must reveal that the notice has been received and indicate the date upon which the notice was received and the moratorium periods which are applicable.
- 8.9 If the Council receives from a Community Interest Group a written request to be treated as a potential bidder, the Council must pass that notification onto the owner or inform the owner of the details of the request. This obligation arises if the notice is received before the end of the interim moratorium period.
- 8.10 The Localism Act enables the Secretary of State to make regulations providing for the payment of compensation.

9. Local Land Charge

- 9.1 If land is included within the list of assets of community value, it should be included in the local land charges register. The Secretary of State may make regulations providing for enforcement and do anything to give advice and assistance in relation to land of community value. The Council has a duty to co-operate with other local authorities if different parts of any land are in different local authority areas. The District Council is the appropriate local authority for the purposes of the application of these provisions. A Parish Council is not a local authority for this purpose. A County Council is only a local authority for this purpose where there is no District Council in the area concerned.

10. The Regulations

- 10.1 The Secretary of State has made the Assets of Community Value (England) Regulations 2012. The Regulations came into force on 21 September 2012, the day after they were made. The Regulations identify land which is not of community value. The following are not land which is of community value and therefore may not be listed:

- A residence together with any land connected with that residence, however, land which is a residence falls within the exclusion may be listed if the residences of a building that is partly used as a residence and but for that residential use of the building the land would be eligible for listing.
- Land on which a site license is required under the Caravan Sites and Control of Development Act cannot be listed.
- Operational land as defined in Section 263 of the Town & Country Planning Act 1990 cannot be listed. Operational land is that which belongs to a statutory undertaker.

10.2 The Regulations define what is meant by “a local connection”. The activities that the body concerned must be wholly or partly connected with the Council’s area and there may be a requirement for it to have at least twenty-one local members if it is a Neighbourhood Forum. A voluntary or community body means:

- a Neighbourhood Forum
- Parish Council
- a non incorporated body with at least twenty-one individuals who are members and which does not distribute any surplus to its members
- a charity
- a company limited by guarantee which does not distribute any surplus to its members
- an industrial and providence society which similarly does not distribute any surplus; and
- a community interest company.

11. Content of a Community Nomination

11.1 A community nomination must include:

- A description of the nominated land including its proposed boundaries;
- A statement of all the information which the nominator has with regard to the current occupants and the owner;
- The nominator’s reasons for thinking that the Council should conclude the land is of community value and the evidence that the nominator is able to make the community nomination.

11.2 The Council has a period of eight weeks to respond to the nomination. The Council must notify a Parish Council, the owner of the land and any occupant that a nomination is under consideration.

12. Compensation

12.1 An owner is entitled to compensation from the Council of such amount as the Council may determine in the following circumstances:

- 12.2 That the person making the claim has at the time when the person was the owner of the land the land was listed 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.
- 12.3 The regulations identify that a claim arising from any period of delay in entering into a binding agreement to sell the land which is wholly caused by the prohibition upon the disposal and a claim for reasonable legal expenses incurred in any successful appeal against the Council's decision are claims which may be made.
- 12.4 A claim for compensation must be made in writing to the Council and before the end of the period of thirteen weeks after the loss or expense was incurred. The claim must state the amount of compensation which is being sought and be supported by evidence. The Council must give the claimant written reasons for its decision in relation to any request for compensation.
- 12.5 The regulations identify that a body which has its accounts audited under Section 2 of the Audit Commission Act 1998, a department or body to which Section 6 of the National Audit Act 1983 applies and a body which has its resources examinable under Section 7 of the 1983 Act may not claim compensation.
- 12.6 A person who makes a claim for compensation may ask the Council to review its decisions in relation to compensation, a written for a decision must be given. An appeal may be made to a first tier tribunal against any decision of the Council on any review.
- 12.7 The Council must notify the owners and mortgagees of any listed land as soon as practicable after the land is entered on the register.
- 12.8 The regulations set out a procedure for a listing and a compensation review and identified relevant disposals to which the Act does not apply. There are fifteen such examples.

[REDACTED]
Clerk
Bampton Parish Council

Tel: [REDACTED]

Email: [REDACTED]

Thursday, 7th April 2022

[REDACTED]
Solicitor
Legal and Democratic Services (MO)
Eden District Council
Town Hall
Penrith
CA11 7QF

Dear [REDACTED]

Re: Nomination to Register Crown and Mitre, Bampton Grange, as an Asset of Community Value

At the Parish Council meeting on 6th April 2022, the council resolved to fully support this application as a community asset.

Yours sincerely

[REDACTED]
Clerk to Bampton Parish Council

[REDACTED]
Eden District Council
Town Hall
Penrith
Cumbria
CA11 7QF

By email only: [REDACTED]
Date. 7th April 2022

Dear Ms Ward

Re The Crown and Mitre Inn - Asset of Community Value (ACV) Nomination

I refer to your letter to [REDACTED] dated 7th March 2022. I am writing to respond to this nomination on behalf of the Joof Hotels Ltd (the 'owner') of the Crown and Mitre Inn (the 'property').

The owner **objects** to this nomination on the following grounds:

The Nomination

The Nomination is the 3rd such attempt to designate this property as an ACV since 2017. The first two attempts were reject by EDC Executive and subject to a formal complaint by CAMRA to EDC's process for determining the applications. The property has recently (October 2021) changed hands and the owner has been subject to a series of vexatious complaints since taking possession.

It is possible that this application is a further attempt to intimidate the owner.

The nomination is made by a group described as the Crown and Mitre Conservation Group (the 'CMCG') which appears to be a single purpose group aimed at controlling the property. The group was constituted on 11th January 2022 and submitted this application on 13th January 2022. It has not contacted the owner or invited his participation in the group. In fact, the owner had no knowledge of this nomination until contacted by the Council requesting a response. It is not credible that none of the 21 people who signed the application had a failure of common courtesy to inform the owner of their intentions. The conclusion to draw is that the nomination is indeed vexatious.

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Purpose of an ACV

Notwithstanding the conclusions above, the purpose of seeking an ACV is to allow the community a 6 month opportunity to buy the property. In this case the property has been marketed via a number of agents¹ since at least 2008, for the preceding nine years before the previous ACV applications (July and November 2017) were made and continuously since then. There has been no offer by any community organisation to the owner's knowledge to purchase the property in all that time. The conclusion to draw is that members of the CMCG (who are capable of constituting a group and arranging an ACV application in 2 days) is not serious about seeking to purchase the property.

The Purchase Price

The second AVC nomination (November 2017) was supported by CAMRA who argued that the reason the community had not purchased the property was that asking price (£550,000) for the property in 2017 was too high and that the then owner was seeking to frustrate the wishes of the community by refusing to lower the price. Notwithstanding that such an argument is a gross misuse of the ACV process - it is not a mechanism to artificially reduce the value of properties - the property was in fact successfully sold in October 2021 for £410,000 to the current owner. Therefore, had the 21 members of the CMCG been serious about purchasing the property, they had ample opportunity to make a realistic offer. As they did not do so, the conclusion to draw is that the members of the CMCG are not serious about purchasing the property.

The Nomination

The regulations state that the nomination must include: a statement of all the information the nominator (CMCG) has about the current owner and the reasons for including the property in the register and evidence to support the nomination. It should be noted that the property is a Hotel, this is confirmed by the Local Planning Authority (The Lake District National Park Authority) who refer to the property in all formal correspondence as 'The Crown and Mitre Hotel'². The nomination makes four points:

1. The pub has been used to further the social well-being and social interests of the local community and could do so in the future.

This vague statement is not supported by any evidence and is simply the parroting of the regulations. The nomination provides no examples of how this has occurred or would occur in the future. The property operates as a Hotel.

2. The pub has been a destination for visitors to the area, in particular Coast to Coast walkers.

¹ Christies, PF&K, David Britton, Rightmove

² See planning and listed building applications: 7/2008/3050, 3051, 3109, 3110; 7/2009/3028, 3029

It is unclear how visitors from afar to the property will benefit the social well-being and social interests of the local community. Such visitors are by their nature transient. There may be some economic benefit of such visitors, but that would accrue mostly to the owner of the Hotel not to the wider community.

3. *The pub has provided local employment, both full and part-time and is an essential local service.*

This point has two parts:

A. *As a local employer* the property operates as a Hotel and has recently changed hands. The owner is in the process of fine tuning the operation of the property to best meet its financial imperatives and secure a sustainable business. Local people are currently employed in the operation of the Hotel and, most likely, will continue to do so.

B. *As an essential local service*, the property has operated as a Hotel for many recent years and will continue to do so. The complaint here seems to be that the property is not open to non-residents. How the property operates commercially is not a matter for an ACV. To be listed as an ACV will not affect the commercial operation of the property.

4. *The closure of the pub has had an impact on the community.*

The vague and unsubstantiated assertion has, in fact, little merit at all except as a positive impact. The other settlement in the Parish, Bampton, contains The Mardale, an historic pub which has, been 'saved as a community pub' and purchased by the Bampton Valley Community Pub Co-op (BVCP). The BVCP website makes clear that there is a connection, at least in the minds of the BVCP, between the Crown and Mitre in Bampton Grange and the Mardale in Bampton. This pub is precisely 850m distant from the Hotel.

Extract from the BVCP website.

Date	Bampton Valley Community Pub comment
<i>June 2017</i>	<i>With rumours circulating of a possible saleⁱ, a community group gets together and tries to lodge an 'Asset of Community Value' (ACV) on the 'Crown and Mitre'. An ACV order would prevent it from being sold without the community being given a 6 weekⁱⁱ opportunity to make an offer</i>
<i>November 2017</i>	<i>The application for an ACV on the 'Crown & Mitre' is rejectedⁱⁱⁱ as the owner successfully argues that 'there are other facilities in the village' (The Mardale Inn - which just reopened in September 2017)</i>
<i>June 2018</i>	<i>'The Mardale' closes again - but at least the 'Crown & Mitre' is still open for food, drink and overnight stays (mainly 'Coast to Coast' walkers)</i>

May 2021	<i>'The Crown & Mitre' never reopens to non-residents post pandemic^{iv} and is being actively marketed for sale. With no ACV in place, the community has to assemble local support, review options and compete with other buyers^v</i>
July 2021	<i>The first Public Meeting is held on July 23rd in Bampton Memorial Hall to assess interest in saving a pub for the valley. Over 60 people attend and a survey is launched. 'The Crown & Mitre' is confirmed as having been exchanged for sale 8 days later</i>
August 2021	<i>The Survey closes with an amazing 186 responses and with over 91% supporting the principle of a Community Pub (9% Maybes). Our results are shared with Plunkett Foundation to access some of their funded support - which they quickly agree to. A follow up Public Meeting on August 19th to review results and talk to everybody about Stage 2 - Feasibility Assessment.</i>
October 2021	<i>'The Crown & Mitre' sale completes on October 1st - and it is confirmed it will not be reopening as a pub^{vi} for the Valley. A professional valuation is completed on 'The Mardale' and further feasibility work is completed to prove its suitability as a potential asset of long term value to the community</i>
November 2021	<i>Another Public Meeting in late October further endorses a community led approach. This website is launched and we start to take our story beyond the Valley</i>
December 2021	<i>Interest in project ramps and our supporter base grows significantly. Award winning filmmaker and photographer Terry Abraham joins our campaign and shares an exclusive gallery of Valley photos with us. Our local MP, Dr Neil Hudson, confirms his support for the initiative. Our press coverage kicks off with a conversation with on BBC Radio Cumbria.</i>
January 2022	<i>With the clock ticking down to our share launch target of early February, more people join the 'Save a Pub for the Valley' campaign on the website and social, often drawn by common interest in Withnail or Wainwright, and their past association with Mardale. Our draft business plan and share offer documents are finalised and reviewed by Community Shares Unit. After some changes they are accredited with a Community Shares Standard Mark and ready to be promoted for investment.</i>

<p><i>February 2022</i></p>	<p><i>The Share Offer is launched on Wednesday February 2nd with over 130 people attending the event either in person or online; coverage kicks off in <u>local press</u> and the campaign is up and running. Within one week, we have achieved over £180,000 in shares sold which is an amazing start. We continue to make progress receiving great coverage in social online and offline in traditional media. With one week to go we just cross the £300,000 mark and then surge through to the final <u>£400,000 maximum target</u> by the end of March 1st!</i></p>
<p><i>March 2022</i></p>	<p><i>After all the excitement of the Share Offer raising cash to buy the <u>Mardale</u>, work continues in earnest to secure critical grants to underpin the phased work on the pub.</i></p>

What this exciting version of events makes clear is that the closure of the property during the pandemic has had an extremely beneficial impact on the local community. Who can doubt that had the property not closed to non-residents or, had reopened in that way, the community campaign required to purchase the Mardale would not have been successful?

Note of inaccuracies in the BVCP timeline:

As this letter will appear in the public record, it is important to clarify some of the inaccuracies in the quotation from BVCP above. These are set out in the endnotes to the letter.

Supporting information

The nomination provides some supporting information in the form of:

1. A quote from the LDNPA Strategy about Vibrant Communities

It is not clear what these quotations are attempting to demonstrate.

Other quotes from the LDNPA documents say:

LDNP Management Plan Vision

A prosperous economy

Businesses will locate in the National Park because they value the quality of opportunity, environment and lifestyle it offers – many will draw on a strong connection to the landscape. Entrepreneurial spirit will be nurtured across all sectors and traditional industries maintained to ensure a diverse economy.

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This suggests that inward investment such as that provided by the owner to this property is an intended and welcome outcome from the Lake District Management Plan.

2. A quote from the EDC Local Plan

This document is not the adopted plan for the Parish of Bampton, so it is curious as to why it is produced by the Nominator as evidence. The section chosen contains a highlighted text referring to the retention of facilities within villages. The property will continue to run as a Hotel.

Another section of highlighted text refers to development proposals resulting in the loss of recreational and cultural facilities. Again, no development proposal is suggested that would do so.

3. A quote from Sykes Holiday letting website

This includes the text from a web advert used to find holiday bookings for the Hotel during the quieter periods. This advert is part of a strategy in increase bookings overall and ensure that the property remains viable.

Conclusions

This Community AVC Nomination appears to be a rushed submission with a poor level of evidence and no argument to back up its vague statements. It has been made without the courtesy of informing the owner of its submission nor any attempt to seek the owner's views or support. Furthermore, it is superfluous, in that the community has successfully raised funds for a Community Pub for the Bampton Valley at the Mardale. This Nomination has the hallmarks of a vexatious submission designed to intimidate the owner and cause distress. I respectfully urge the Council to reject this nomination.

Yours faithfully

[REDACTED]
[REDACTED]

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Notes on the BVCP website timeline.

ⁱ The Crown and Mitre Hotel was marketed for nine years before this date as evidenced in the Taylor and Hardy submission to the ACV application in 2017.

ⁱⁱ The period of 6 weeks is to register interest before making an offer. Once the community has registered an interest it has 6 months to make an offer. This fundamental misunderstanding of the ACV process is further evidence that the community (at least the BVCP) is not serious about seeking to purchase the property.

ⁱⁱⁱ The reasons given the EDC Executive minute is: 'that there were other facilities in the village and the application did not meet the criteria of furthering the social well-being of the community.' The owner's main argument was that the property had been for sale for 9 years.

^{iv} The pandemic is not over. The Crown and Mitre closed at the start of the pandemic in April 2020.

^v The property was marketed throughout. There was a change in marketing agent. The sense of urgency is entirely fabricated.

^{vi} The property had reopened, for hotel guests.

APPENDIX G

It will be useful if we provide some background as to how and why the Crown and Mitre pub got to where it is today.

The previous owner was very vocal and public about her dislike of owning and running a pub. She didn't enjoy living in the village and was impolite to many locals. In a small community, word easily spread that many were not welcome in their village pub.

Between 2015 and 2017 the landlady / owner of The Crown and Mitre facilitated the following:

- Both Pool teams (Shap & District league) were forced to disband as the pool table was removed.
- Both Darts teams (Shap & District league) had to disband as it was decided to close the pub in Jan & Feb, so no venue for home matches.
- Church choir stopped coming into to pub. To quote a choir member "She at best made us feel unwelcome and at worst was rude to us".
- History Society stopped because they too were made to feel unwelcome.
- Quiz team were asked to find a new venue, to quote the owner, "as they were too much trouble".
- Sunday Card Night curtailed as the owner felt they "didn't spend enough".

So, we believe the Pub was intentionally and systematically run down by the previous owner.

During 2017, the owner and her partner informed the locals that they were going to seek planning permission to convert the pub into flats. This prompted the first ACV Nomination in Oct 2017. The owner objected to the ACV on the grounds that that the business was no longer supported by locals. She recruited the assistance of a local Parish Councillor from Askham, to support her objection, even though he was never seen in the Crown, nor resident in the parish. This subsequently prompted an article in the local paper regarding the honesty of his statement. The ACV application failed. Following on from this, several locals involved in this ACV nomination and others who she felt had not been supportive of her were barred from the premises.

Despite this the Crown and Mitre continued to function as a pub serving meals and drinks to its' residents and the public until the beginning of the Covid pandemic. The pub remained popular with Coast-to-Coast walkers and had enough potential custom to be full most of the week.

During the pandemic it remained open as a pub serving drinks to locals and visitors, abiding by lockdown rules. At this time food was usually only available to residents of the pub. The Crown and Mitre closed to the public in the summer of 2021 (when it was more aggressively marketed for sale), during this time it served pub residents only.

Over recent years (to 2021) the pub has also continued to be used for a number of events / activities including; local hunt evenings, birthday parties, leaving parties, crossword club, fish and chip supper nights, Halloween, conker evenings, annual charity Boxing Night quiz, local meetings and themed evenings. It has served food and drink to pub residents, passers-by, locals, holiday makers and visitors.

When the pandemic occurred the Crown and Mitre bar remained open (subject to government rules) and continued to serve the public as well as pub residents. When it

was allowed to it continued to be used for birthday parties etc. At this time the landlady also held a series of evenings, serving themed food (BBQ / curry / Italian etc) as well as drinks from the bar to the general public.

The pub was up for sale from 2012, with varying asking prices over the years of between £500,000.00 to £650,000.00. This attracted very little interest especially when other pubs locally were selling for considerably less. These alternative venues had parking onsite as well as outside sitting areas which the Crown lacked. For example: -

- The Greyhound, Shap. Much larger pub with letting rooms, outside space and parking. Sold in 2017 for £206,000.
- Queens Head, Askham. Pub of similar size, including letting rooms, parking and outside space. Sold in 2018 for £271,000.

In an effort to sell the Crown and Mitre the owner stopped calling it an Inn / Pub and tried marketing it as a Hotel, Boutique Hotel or Guest House. There was no legal change of use.

The pub was eventually sold in October of 2021. The locals anticipated the reopening of the pub only to be dismayed when it started operating as a 12-bedroom self-catering holiday let with games room and hot tub, used primarily by stag / hen parties who are causing considerable disruption and mess in the village. Exactly the situation the original ACV application was trying to prevent.

Neither the previous owner nor the current owner have applied for a Change of Use for the Crown and Mitre pub.