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Dear Sir/Madam

**CABINET - TUESDAY, 21ST JUNE, 2022**

Please find enclosed an addendum to the below report to be included for consideration at the meeting of Cabinet on Tuesday, 21st June, 2022 .

7 **Asset of Community Value Nomination - Crown and Mitre, Bampton Grange**  
**(Pages 1 - 10)**

To consider Report No: DoR30/22 of the Assistant Director Legal and Democratic Services which seeks to consider nomination of the Crown and Mitre, Bampton Grange, as an Asset of Community Value under the Localism Act 2011.

This report is brought before Cabinet again as the item was deferred on 24 May 2022 to enable the nominating party to clarify the reasons why the land is believed to be an asset of community value. No additional information had been received at the time of writing this report. However, a verbal update will be provided during the Cabinet meeting.

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

Yours sincerely



Ian Frost  
Interim Chief Executive

Encs

**Distribution**

1. Reports to all Members of the Cabinet for attendance.
2. Reports to all remaining Councillors for information.



We would like to thank the Council for giving our community the opportunity to clarify why the Crown and Mitre (C&M) public house has historically, and could realistically continue to, further the social interests and social well-being of the local community. This is very important to the residents of our village and the wider local community.

We have attached supporting information and financial projections (see appendices A – F) and would summarise as follows:

- In the recent past the Crown and Mitre was used for various social activities (darts, pool, quizzes, charity and themed evenings etc), meetings, functions (birthdays, weddings, christenings, funerals etc) as well as being a meeting point for groups and individuals from the local and wider communities.
- There is continued demand for the community facilities which have been lost and it is realistic to think that the Crown and Mitre could easily resume its place as a viable business at the heart of the community providing all the social amenities which are no longer available to the village. This would enable it to meet the needs of the local population, isolated nearby homes and neighbouring hamlets. It would also provide local employment. This potential is realistic whether the property remains in the hands of the current owner (who may have a change in circumstances) or is under new third party ownership or local community ownership, any of which are possible over the next 5 years.
- The Crown and Mitre served food as well as drinks. As an isolated community, not served by any take away food delivery services, this enabled local people (and visitors) to enjoy a social meal together on a regular basis. They would continue to do so were it possible.
- Bampton Grange is an isolated village served by only one bus, one day per week, so the existence of an accessible local social facility is even more important to all members of our community. The Crown and Mitre would remain well used by the local and wider community for social activities, team events, celebrations and meetings were it available.
- The property is well located being close to Haweswater and the Coast-to-Coast walking route. There is demand for good local accommodation which would provide the income needed to sustain the benefits and availability of the Crown and Mitre's resources for the local community.
- The Crown and Mitre is a Grade II listed building, categorised as a Public House, situated in a Conservation Area within the Lake District National Park World Heritage Site. The local community has always used and been proud of its historic inn. The closure of the inn to the public has deprived the community of an essential hub diminishing the ability of residents to continue to ensure an effective community support network which adversely impacts social cohesion.
- The current use of the property as unsupervised self-catering accommodation confers a negative impact on Bampton Grange village and its residents.
- The current owner is claiming that there has been no change of use; that he is operating a hotel, which presumably would have a public bar; such use would enhance the social wellbeing of the community and an ACV application would have no impact upon him.

Finally we would like to note that, at the present time, there has been no planning application for Change of Use against the property. LDNP Planning have served a Non-Compliance Notice against the property to which the owner has responded claiming that there has not been a change of use. The National Park are continuing to pursue the matter with a view to issuing an Enforcement Notice.

**Appendix A – Section 88**

**Appendix B – Financial Projection**

**Appendix C – Realistic Future Use**

**Appendix D – Correspondence Supporting Future Use**

**Appendix E – Bampton Valley Community Pub Ltd's Crown & Mitre ACV Nomination Statement**

**Appendix F – EDC Councillor Support**

## APPENDIX A

### Section 88

*The listing process allows a community asset to be listed when it satisfies the listing tests under s.88(1) or (2) of the Localism Act: does the use of the land further the social wellbeing of the local community, can it realistically continue to do so? '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' [1].*

How can we demonstrate and prove that the Crown and Mitre (C&M) furthered the social wellbeing or social interests of our local community and that it would be able to do so in the future? It is difficult to quantify the sense of belonging that a business can contribute to a community. But it has been part of our village's social fabric, its cultural identity, its history, for nearly 200 years. The village is proud of its country Inn and mourns its loss. It has celebrated births, engagements and marriages, commemorated deaths through generations across the parish.

By employing numerous in the village and surrounding area over the years, it enabled the construction of social bonds through working together. Between April and October each year, it employed up to 10 local people, some of whom are unable to drive and are now no longer able to work, others having to leave the area to gain employment. Many teenagers were given their first job in the Crown, it was a rite of passage within the area to work there.

It allowed the development of common ground, assisting in the maintenance of local social networks, enabling staff, past and present, to work as a team, both within the employment the C&M offered but outside it too. An example of which is this ACV application.

Equally as important, it had a financial contribution to the village, by employing so many locals, young and old (one of its last employees lived in the cottage behind and was still working there in the mornings at 78), it put money in people's pockets. So, it kept money local.

But it bound people together on the other side of the bar too. Living and working in a rural district can be very lonely and as a society we acknowledge the mental health issues that can be suffered by those on their own. The Crown and Mitre helped facilitate a sense of belonging, by encouraging the social interactions required to achieve this. The Inn hosted and supported the darts team, the quizzers, dominoes, cards, conker competitions, charity nights, and the Mardale Hunts annual meet. It held events nights during winter, sponsored the local children's football team and local clubs and societies would often use the venue for their own social gatherings or events, from the History Society to the Choir. Many in our community would enjoy meeting up with neighbours at the end of the day, to catch up and enjoy the "craic". And our community isn't just Bampton Grange, it brought in customers from Rosgil, Keld, Shap, Helton, Butterwick and Burnbanks. It bound together a far larger community than just our hamlet.

There can be no doubt that the Crown and Mitre furthered the social wellbeing and interests of the community and surrounding areas in the past, but the question is, can it do so in the future?

We believe that it is realistic to accept that all the activities and benefits mentioned above, which furthered the social interests and well-being of the community, would be reinstated if the Crown and Mitre reopened as an inn. This would be realistic whether under current ownership, third party ownership or local ownership.

The Crown and Mitre can offer additional facilities to our village and parish, that the community pub in the next village (The Mardale) cannot. It is a much larger venue, with a function room and an area that was dedicated to pool, neither of which The Mardale has the space for. Geoff Fisher of the local dart league would more than welcome teams from the C&M and pointed out that both pubs used to field players in the past. The local pool league have also lent their support to any future teams wishing to enter.

The village believes that the Crown and Mitre would be able to further our social interests and help maintain the social fabric of the area. And that there is easily room for two venues in neighbouring villages as both are very different, with the Crown and Mitre offering additional facilities that the Mardale in Bampton simply cannot.

*[1] S.88(1). Section 88(2) provides a similar test as to whether a disused asset might realistically come into such use within five years.*

Historic England lists the C&M as a Grade II Public house, built late C18 or early C19 but since October 2021 it has been operating as a large holiday let.

We accept it is important to look at the economic viability of these premises' operating as a country Inn, while the council considers the ACV. For the community to benefit from the C&M, the business must be in a position to make a profit. The previous application for ACV for the Crown and Mitre failed in the belief that the community had not and would not use the facility, so lack of use. But this wasn't the whole picture. For a business like this to succeed it needs serious commitment from its owner/manager and for the C&M this was lacking. The village believes that with a committed owner it could be a thriving business again, from which the local community can only benefit. Attached (Appendix B) is a conservative sales and profit projection, this was produced with the help of previous employees at the Inn and is historically based. It should allow council members to note that this could be a profitable business as an Inn. We have also listed the companies who have used the accommodation of the business in the past and would do so again.

So, we believe it could realistically operate as its original function intended. This type of business can be successful, but it does need the full commitment of their owners/managers, which the C&M has not had for some time. Prior to that it was a highly successful business venture and there is no reason to believe it cannot be again.

There may well be an argument from the owner's representatives that the new community pub (The Mardale Inn) in the neighbouring village (Bampton) negates the need for an ACV to be granted for the Crown and Mitre, but as villagers of both communities and the BVCP committee themselves agree, this is not the case.

In the recent past the parish was able to sustain both business' through a combination of locals and tourists. There is enough business in the summer months to support both ventures as we are on route to the popular Haweswater and its walks, both are near to the Coast-to-Coast path, there are many holiday rentals in the area and both are based in attractive conservation villages. These busy summer months allow the business to survive the quieter winter. And we should not forget that the additional visitors that the Crown and Mitre would be in a position to attract could only but help sustain the viability of our local shop. The ability to exist as a viable business would enable the C&M to once again be the vital community hub that it once was.

Businesses thrive with competition, which benefits the parish through the increased choice of venues. It is realistic to believe that the C&M could, in the future, once again be in a position to support a darts, pool and quiz team in the local leagues, as both venues did previously, or host wedding, christening or funeral events from the church across the road, or any of the other events it used to encourage. Unlike the Mardale, the Crown has a function room which has in the past been used for various village occasions, birthdays, weddings, christenings, funerals, to name but a few. It also had a dedicated pool room at the back of the building. It could once again offer employment to those in the surrounding area, all of which, with the addition of the Mardale Inn, would breathe life back into our community, and help rebuild its social fabric, lost with their closures.

As we have mentioned previously, words cannot quantify the effect that closure of this historic Grade II listed Inn has had on those who live in our conservation village and the surrounding area. But, we believe it can realistically be a major contributor to the social and economic fabric of the parish now and in the future.

*A property's status as an ACV can also be a material consideration in planning decisions relating to future development and may limit some Permitted Development rights under the GPDO 2015. Both councils and Planning Inspectors have taken account of listings in their determinations. Designation as an ACV will inevitably be a material consideration for an LPA when they are considering a planning application for redevelopment of that site which may well end up weighing against the redevelopment, if other benefits cannot successfully be made out.*

The villagers understand that the LDNP is investigating the change of use, for which permission has not been sought, which is outside the control of EDC. But it cannot be denied that if we were lucky enough to have the ACV granted then the Park would take it into account in any planning decision. Again, this could only benefit the village by ensuring that the Inn reopens, serving locals and public alike. The EDC could be in the position to help the village stop change of use by granting the ACV.

## Appendix B

### Financial Projection

<b>Income</b>		2021 Price							
<b>Rooms</b>		Prices See Notes 1		Occupancy Rate April - Oct - 80%		Occupancy Rate Nov/Dec/ Feb/March 20%			
Sleeps 14									
Superior	3 rooms	£ 135	per night	£ 68,040		£ 11,340			
Standard	3 rooms	£ 110	per night	£ 55,440		£ 9,240			
Single	2 rooms	£ 90	per night	£ 30,240		£ 5,040			
				£ 153,720		£ 25,620			
<b>Annual Income</b>			<b>ex vat</b>	<b>£ 128,100</b>		<b>£ 21,350</b>		<b>£ 149,450</b>	
<b>Bar</b>		See notes 2		April - Oct £ 39,360		Nov - March £ 16,880			
<b>Food</b>		Residents	See notes 3	£ 47,040		£ 11,760			
		Walk ins	See notes 4	£ 48,000		£ 14,400			
				£ 288,120		£ 68,660			
<b>Annual Income</b>			<b>ex vat</b>	<b>£ 240,100</b>		<b>£ 57,217</b>		<b>£ 297,317</b>	
Total Annual Income Ex VAT						£ 446,767			
Cost of Sales as % of turnover 35%			See notes 5			£ 156,368			
						<b>Gross Profit</b>		<b>£ 290,398</b>	
Operating Costs as a % of Turnover 40%			See notes 5			£ 178,707			
Mortgage costs on a commercial property loan of £250k p.a At 3.5% over 15 years			See notes 6			£ 21,768			
						<b>Net Profit</b>		<b>£ 89,924</b>	
<b>Notes</b>									
1	Two previous employees of the C&M have confirmed the occupancy rate and room rates achievable,								
2	Bar Sales based on 2 drinks per resident at 80% occupancy, and 15 extra drinkers per night between Thurs and Sunday								
3	Based on £20 per head inc of VAT. Bar area can sit 32 covers at any one time, not including the dining								
4	Based on £20 per head inc of VAT, with an additional 80 covers <b>per week</b> in high season. A Friday & Saturday night could achieve 40 covers each in high season - so conservative estimate								
5	The British Beer and Pub Association have produced costs as a % of turnover as a guide for Inns and								
6	Commercial Mortgage costs vary from 3.5% to 6%. Loan costs based on a capital repayment mortgage It should be noted that there is a 3 bedroom owners flat in the attic of the building								

## Appendix C

### Realistic future use (Local and commercial)

#### Local use in the recent past which can realistically be assumed to resume in the next 5 years

Casual use by locals for food, drinks and socialising

Pool teams

Darts teams

Quizzes

Card / crossword clubs

Parties

Celebration of weddings, christenings, funerals etc

Themed evenings

Meetings and social gatherings of local groups e.g Bampton Remote Cinema Committee, History Society etc

Local employment for the community

#### List of some of the operators that used the Crown and Mitre until the summer of 2021

*Continuation of this use would make the property commercially viable to enable it to continue to be the centre of the social cohesion of the community*

Packhorse

Contours

Macs Adventures

Micheldore Travel

Northwest Walks

Sherpa Expeditions

Sherpa Van

Holidays

C2C Holidays

## Appendix D

### Correspondence supporting future use

The Shap and District Dart's League is always open to welcoming new venues or old one's back, from entering a team or team's to the league.

I can remember (it's a few years ago now though) when Bampton had 2 team's at the Crown & Mitre & 1 at the Mardale Inn.

So if the Crown & Mitre ever reopened, the invitation to enter a team is always there.

Kindest regards,

██████████  
Chairman of Shap & District Dart's League.

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### To whom it may concern

I am writing to say that I would be happy as a travel company to restart booking accommodation with the Crown & Mitre. Bampton was a key stopping point enroute for our clients walking the Coast to Coast walk as it reduced the walking distance down between Glenridding & Shap. If The Crown & Mitre were to reopen I would be more than happy to start sending my bookings back again.

In 2019 we done approx. £10,000 worth of business with the previous owners. And of course all those clients are spending money on food & at the bar.

Kind regards

██████████  
**Walkers Britain**

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At Mickledore we offer walking holidays on many walking routes and in particular in the Lake District and surrounding area. One of our most popular walks is the iconic and well known Coast to Coast route. There are some parts of this walk that are remote with little available accommodation. In particular, the leg from Patterdale to Shap is long and our visitors frequently ask to shorten it by staying at the only possible accessible place on this section , which is Bampton Grange.

Since the loss of the Crown & Mitre it has not been possible to offer this option to our guests so our only option to enable this leg to be shortened is to collect our customers by taxi from the route, transport them to Shap for the evening, then return them to the route the same way the following day.

Our Westmorland Way route passes right through Bampton Grange and two of our 3 full itineraries are advertised with an overnight stay there. Again we are now having to book these overnight stays in Shap, with taxis to and from the route.

In both cases this is not only more expensive and bothersome for customers, but has an environmental impact .

If the Crown & Mitre were able to reopen as an accommodation this would be extremely welcome and would resolve these current issues we face and we would support this move fully.

I hope this helps but please do ask if you require any more information from me.

Best wishes

██████████  
██████████  
Mickledore Travel Ltd  
42 St John's Street  
Keswick  
CA12 5AG

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Thanks for the email - sorry to hear the Crown and Mitre closed! I remember visiting this pub a few years ago.

We certainly hope the inn does reopen in the future. If offering B&B again, we'll be delighted to add the inn back onto our lists, especially as we have clients sometimes ending their C2C walk down the road at Burnbanks and often look your way for accommodation.

I have forwarded your email onto my colleagues who research accommodations who may be able to help further. Thanks for sharing this, and fingers crossed for the Crown and Mitre (and the people of Bampton Grange!).

All the best,

██████████  
██████████  
Contours Walking Holidays





Registered Address:  
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CA10 2RQ

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### **Bampton Valley Community Pub Ltd's Crown & Mitre ACV Nomination Statement**

Bampton Valley Community Pub (BVCP) Ltd was registered as a Community Benefit Society on October 8th 2021. The founders of the group had come together to research options to save a pub for Bampton Valley approximately 6 months previously in 2021. Through a Community Share offer held in February 2022 we were successful in raising £400,000 from over 500 Members enabling us to buy The Mardale Inn in Bampton on May 6th 2022.

In late Spring 2021, BVCP founders started conversations with the owners of both The Crown & Mitre and The Mardale Inn public houses to understand their willingness to sell their properties (both then closed for public use) to a community group. The founders recognised the need to restore a functioning pub to Bampton Valley post pandemic. The Valley had historically supported two inns - getting back to at least one short term was viewed as an urgent priority to address concerns of community cohesion, avoidance of social isolation and rural depopulation.

A key element of the BVCP group's early 2021 feasibility research was to understand the Asset of Community Value (ACV) nomination on The Crown & Mitre in 2017. Knowing that Eden Executive had rejected the two ACV attempts in 2017, we decided to approach the owner of The Crown & Mitre directly in June 2021 and work with her in a constructive manner. We understood that given the lack of ACV, there was no moratorium on the property. This would have enabled BVCP (in its earliest form) to register an interest and work towards a purchase without fear of short term competition for a 6 month period. We concluded this was a risk we had to accept in the hope that the owner would support a community bid.

In early July, we started publicising a Bampton Valley resident's Public Meeting which was held on July 23rd 2021. The purpose of the meeting was to determine broader resident interest in forming a community group to purchase a pub. A survey was launched at the meeting including a question around preference on properties, ie Crown & Mitre, Mardale Inn, or no preference.

Eight days after the July public meeting, we were informed by The Crown & Mitre owner that the property had just been exchanged to be sold to JOOF Hotels. We noted that this was a new company registered at Companies House on July 16th 2021. Sale completion was targeted for the end of September 2021.

The residents survey completed on 8th August with 186 respondents having provided input. There was an emphatic endorsement (91% of respondents) for the principle of community ownership of a pub in the Valley. The survey response for the properties was 41% in favour of The Crown & Mitre, 31% for the Mardale Inn and the remainder expressing no preference.

Given an in person meeting with JOOF Hotels in early October 2021, it was understood that The Crown & Mitre would be operated as accommodation but with no public bar available. Given concerns around the general efficacy of the ACV process and specific local experience from 2017, we resolved to progress a purchase of The Mardale Inn with due haste to ensure at least one community hub facility would be available to the Valley in the near future.

Today, BVCP Steering Group supports the 'Crown and Mitre Conservation Group' (CMCG) with their nomination of The Crown & Mitre as an Asset of Community Value for the following reasons:

1. JOOF Hotels has no reason to fear an ACV nomination. If they invest in the Crown and Mitre as a hotel (it is noted however that the building functions today on an unattended holiday letting basis without any food or other service), we believe it has significant potential to add value to the local economy through direct and indirect local employment. An ACV only has relevance if the property is to be sold again in the future or a change of use is to be applied for. As we expect that JOOF Hotels is planning to develop its hotel business in the near future, an ACV nomination now should not 'intimidate the owner' (as suggested by Prospus Consulting on behalf of JOOF Hotels). An ACV will be irrelevant to the day to day operation of The Crown & Mitre as a hotel.
2. In the past decade, the Bampton Valley has successfully supported both The Mardale and The Crown & Mitre as functioning inns attracting both local and visitor interest, e.g. walkers on Wainwright's Coast to Coast path. The Mardale Inn will now be open year round to support the community, with visitor income in the tourist season being key to our business plan. We see potential for the future community purchase of other critical assets, such as The Crown & Mitre if available, that enable further development of the local economy and deliver notable community benefits. Finally if the asset locked structure of a Community Benefit Society is used (as set up for BVCP), profits from such ventures are retained locally for community use.
3. The 2017 ACV nomination rejected by Eden Executive undermined the local community's attempt to construct a reasonable offer for The Crown & Mitre in 2021. Bampton Valley residents now have proven ability to come together and raise funds to buy local assets of importance for community benefit. Assuming The Crown & Mitre ACV nomination is supported by Eden Executive in 2022, the community could mobilise again if the opportunity arises over the next 5 years. Critically, next time a community purchase opportunity would be supported by a moratorium period enabling a 6 week 'proof of interest' and 6 month purchase period.

Bampton Valley Community Pub Limited  
12th June 2022

Bampton Valley Community Pub Limited (A Community Benefit Society)  
Founding Members: Sue Goble, Patrick Lacey, Rich Shave (Secretary), Phil Sweetland

## Appendix F

### EDC Councillor Support

Dear [REDACTED],

As the elected Eden district councillor for Bampton I am writing in support of their Asset of Community Value bid to make the Crown and Mitre at Bampton a community asset which is being debated at the next Cabinet meeting.

The local community at Bampton feel very strongly that the Crown and Mitre should be run as a public house, providing drink, food and accommodation to locals and visitors. Residents of Bampton have a strong sense of community and they do their best to put on many community events, many of which were held at the Crown and Mitre in the past. In rural villages public houses play an important role as a hub for activities and a social centre. During the recent covid lockdown that has not been possible but now we are recovering from the effects of the covid pandemic locals and visitors are looking forward to getting back to a more normal life.

Unfortunately at the present moment the Crown and Mitre is not open to the general public but is advertised as a self catering business and now only employs one person to clean on changeover days, previously they obviously employed more people. It has also caused problems for villagers with parking issues and blocking of nearby roads.

In light of this and in an effort to preserve the Crown and Mitre as a public house open to all, the Crown and Mitre Conservation Group would like to make it a community asset and give a boost to the economy of Bampton.

Yours sincerely,

Laura Harker EDC Councillor

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