

SCHEDULE 1

Regulation 3

Land which is not of community value (and therefore may not be listed)

1.—(1) Subject to sub-paragraph (5) and paragraph 2, a residence together with land connected with that residence.

(2) In this paragraph, subject to sub-paragraphs (3) and (4), land is connected with a residence if—

- (a) the land, and the residence, are owned by a single owner; and
- (b) every part of the land can be reached from the residence without having to cross land which is not owned by that single owner.

(3) Sub-paragraph (2)(b) is satisfied where a part of the land cannot be reached from the residence by reason only of intervening land in other ownership on which there is a road, railway, river or canal, provided that the additional requirement in sub-paragraph (4) is met.

(4) The additional requirement referred to in sub-paragraph (3) is that it is reasonable to think that sub-paragraph (2)(b) would be satisfied if the intervening land were to be removed leaving no gap.

(5) Land which falls within sub-paragraph (1) may be listed if—

- (a) the residence is a building that is only partly used as a residence; and
- (b) but for that residential use of the building, the land would be eligible for listing.

2. For the purposes of paragraph 1 and this paragraph—

(a) “residence” means a building used or partly used as a residence;

(b) a building is a residence if—

- (i) it is normally used or partly used as a residence, but for any reason so much of it as is normally used as a residence is temporarily unoccupied;
- (ii) it is let or partly let for use as a holiday dwelling;
- (iii) it, or part of it, is a hotel or is otherwise principally used for letting or licensing accommodation to paying occupants; or
- (iv) it is a house in multiple occupation as defined in section 77 of the Housing Act 2004⁽¹⁾; and

(c) a building or other land is not a residence if—

- (i) it is land on which currently there are no residences but for which planning permission or development consent has been granted for the construction of residences;
- (ii) it is a building undergoing construction where there is planning permission or development consent for the completed building to be used as a residence, but construction is not yet complete; or
- (iii) it was previously used as a residence but is in future to be used for a different purpose and planning permission or development consent for a change of use to that purpose has been granted.

3. Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960⁽²⁾, or would be so required if paragraphs 1, 4, 5 and 10 to 11A of Schedule 1 to that Act were omitted.

(1) c. 34.

(2) 1960 c.62. Paragraph 11A of Schedule 1 was inserted by section 176 of the Local Government, Planning and Land Act 1980 (c.65).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Assets of Community Value (England) Regulations 2012 No. 2421*

4. Operational land as defined in section 263 of the Town and Country Planning Act 1990⁽³⁾.

(3) 1990 c.8. Section 263 has been amended by paragraph 7 of Schedule 5 to the Transport Act 2000 (c.38); by paragraph 23 of Schedule 6, and Part 2 of Schedule 19 to the Planning and Compensation Act 1991 (c. 34), and by S.I. 2001/1149.