

Enterprise Inns plc
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City of York Council
Assets and Property Management
West Offices
Station Rise
York
YO1 6GA

FAO Mr T Bradley

Our ref: JS/030141

1Feb 2016

BY POST AND BY EMAIL
EMAIL: tim.bradley@york.gov.uk

Dear Sir

**Re: Bay Horse Murton Way Murton York YO19 5UQ. Assets of Community Value
Localism Act 2011.Your Ref TGB G00033**

Thank you for your letter dated 13 January 2016 in relation to the nomination of the above as a potential asset of community value.

I have several observations that I would like you to take into consideration in any decision you reach.

- 1) The pub is not unique in the area and there are other pubs in the immediate vicinity offering a range of services and facilities.
- 2) The pub sits within a conservation area and any change of use would be subject to the usual planning process.
- 3) The pub is currently on the market for sale on an unrestricted basis and has been since November 2015. We think it likely that any interested party would look toward continued pub use.
- 4) The community group state that one of the reasons for the nomination is in fact to allow them to raise funds and purchase the property. We feel it is unlikely that the community group would be able to raise the funds required for the purchase.
- 5) The community have failed to support the pub over the years. We have marketed the pub to let for over 12 months and have had little interest.
- 6) The current tenant has tried a variety of events to attract local custom with little success or support from the community.
- 7) Over the last 5 years we have spent in excess of £100,000 on improvements to the property and this has had little impact on the sustainability of the property as a business.

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8) It is important to recognise that, in considering whether a property should be listed as an ACV, regard is to be had to section 88 (1) of the Localism Act, whereby the site is only capable of being listed as an ACV if:

(a) an actual current use of the building or other land that is not an ancillary use 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.

It is clear that in order for the site to be listed as an ACV, its continuing use for a purpose which furthers social wellbeing or social interest has to be realistic.

We therefore respectfully request that the application to list the site as an ACV be rejected.

Yours faithfully
Enterprise Inns plc



John Strawinski
Asset Director