

Evidence and Decision List April 2024 (note this report may include expired listings)

Arnesby

Little India Restaurant
(reviewed 2020/21)

Arnesby 2

Indian restaurant and bar

Status	(1) Successful Listing
Nomination Date	18/09/2015
Date included on list	27/10/2015
Date included on unsuccessful list	
date listing expires	27/10/2025

Evidence provided for ACV listing

The premises are/ have been licenced as a restaurant for the past decade, used regularly by residents of Arnesby and the surrounding parishes. Formerly the Old Cock Inn, the last public house in Arnesby, established in the early 1900s, and the centre of social activity in Arnesby with, for example, Tuesdays being 'village night'. That is less of a tradition now and the building is primarily used as a restaurant but the villagers still enjoy a drink at the bar or at the outside tables, and villagers can be found in the restaurant most nights. The building is an important part of Arnesby's history as well as a venue for social gathering, and it has a significant place in the landscape at the entrance to the village. If it was to be redeveloped for alternate use, say as housing, the village will have lost its last remaining licenced premises purpose built for socialisation.

Should the village succeed in acquiring the premises it intends to refurbish them as a multi purpose village amenity, as has been achieved successfully by other communities throughout England. The usage will include public house, restaurant, village shop, (none existing), teas rooms for locals, cyclists and ramblers (only available on Sundays at St Peter's Church), function rooms (the village hall is used by the school during the day and booked for activities such as yoga most evenings), bed and breakfast (using the flat above the restaurant)

Justification for inclusion on list

The Little India Restaurant is suitable for listing as an asset of community value, being within the district boundary and nominated by Arnesby

Parish Council.

The current, primary use of the asset is furthering the social wellbeing and cultural activities of the community, and it is realistic to think that this will continue if purchased by the community.

At the five year review period the circumstances of the asset have not significantly changed and it is the view of the Council that the asset should be listed as an ACV for a further 5 years. However, there is no evidence that the car park provides for the social well being and recreational needs of the community and it is the consideration that the car park should be removed from the listing but the garden containing tables and outdoor eating should remain within the listing.

St Peters Church of England Primary School, Arnesby (reviewed 2020/21)

Arnesby 1

primary school at Arnesby

Status	(1) Successful Listing
Nomination Date	18/09/2015
Date included on list	27/10/2015
Date included on unsuccessful list	
date listing expires	27/10/2025

Evidence provided for ACV listing

The school was founded in the Edwardian era and has provided education for local children for over 150 years. It occupies a prominent position at the top of Mill Hill, adjacent to the village hall which is used by the school during the day. An important part of the village history, the school continues to contribute to the life of the village and is one of the reasons young families choose to live here, giving the village the vibrancy that can only be achieved through a wide demographic.

Should the school close due to cuts in state funding the options for alternate use include: a social club, village shop (none existing), tea rooms for locals cyclists and ramblers (only available on Sundays at St Peters Church), function rooms (the village hall is booked for activities such as yoga most evenings), creche/nursery, arts and crafts classes.

Justification for inclusion on list

The Primary School at Arnesby is suitable for listing as an asset of community value, being within the district boundary and nominated by

Arnesby Parish Council.

Being a school, the current, primary use of the asset is furthering the social wellbeing and cultural activities of the community, and it is realistic to think that this will continue if purchased by the community.

At the five year review period there is no reason to consider that the circumstances of the asset have significantly changed. It is the view of the Council that the listing of the Arnesby Primary school as an asset of community value can continue for a further 5 years.

Cathorpe

Cherry Tree Field and Car Park

Catthorpe1b

Field and Car park associated with the Cherry Tree Public House

Status	(2) Unsuccessful Listing
Nomination Date	17/04/2023
Date included on list	
Date included on unsuccessful list	10/10/2023
date listing expires	09/10/2028

Evidence provided for ACV listing

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Caϑhorpe 1 – ACV Lisϑing Appeal

We would like to appeal the decision made by Harborough District Council (HDC) to list The Cherry Tree Inn and Car Park (area 1 in the ϑtle plan LT324248) in its entirety as an asset of community value (ACV).

Although we sϑill do not agree with the nominaϑion made by the nominaϑing party, with regards to the lisϑing we do not wish contest, the areas highlighted in green or orange on the area plan shown below, as being listed an asset of community value. These consist of the public house, service courtyard and customer paϑo area/smoking shelter.

However, we do wish to appeal the inclusion of the car park area, that includes two temporary structures, which are for private use not associated with the operaϑion of the public house (private garage and poϑing shed).

In short the car park area is used solely for the parking of cars and therefore cannot saϑsfy the requirement of s88 (1)a of the Localism Act. Which states:

an actual current use [or recent use] of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community

The legislaϑion also appears to be applied inconsistently by HDC, as there are a significant number of instances where HDC have chosen to excluded car parks from ACV lisϑings for public houses and other buildings. With this in mind we, would suggest that the legislaϑion must therefore be applied consistently and fairly with regards to the case of Caϑhorpe 1 in relaϑion to The Cherry Tree Inn and its car park and the evidence provided.

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Use of Outside Spaces at The Cherry Tree Inn

Within the boundary of area 1 marked on the ϑtle plan the outside spaces can be separated into three disϑinct areas:

1. Service courtyard (orange)
2. Raised paϑo area and smoking shelter (green, aϑached to main public house building)
3. Driveway and car park (blue)

This areas is not used by the public and it could be argued that it does not saϑsfy the requirement of s88 (1)a of the Localism Act.

On reflecϑion although we do not agree with, how or why, the nominaϑion was submiϑed by nominaϑing party, we do not intend to contest the service area being included in the ACV lisϑing for the Cherry Tree Inn.

2. Raised pavement area and smoking shelter

This area is used by the public for social interaction, eating and drinking as part of the main function of The Cherry Tree Inn as a public house and it can be argued that it does satisfy the requirement of s88 (1)a of the Localism Act.

On reflection although we do not agree with, how or why, the nomination was submitted by nominating party, we do not intend to contest the pavement/smoking shelter area being included in the ACV listing for the Cherry Tree Inn.

3. Driveway and carpark

This area is used for the parking of cars, it is not used for social, cultural or recreational purposes. There is a distinct lack of evidence provided by the nominating party to suggest that this area satisfies the requirement of s88 (1)a of the Localism Act.

There also appears to be some significant confusion surrounding our original correspondence, where the ruling document implies that we have stated that “other events” are held by ourselves in the outdoors spaces of The Cherry Tree Inn, including the car park. This statement by HDC is not true and our documented correspondence reflects this being the case.

We do contest the car park area being included in the ACV listing for the Cherry Tree Inn.

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Photographic Evidence – The Use of the Car Park

1. The Marquee:

We must address the following statement from the listing pack supplied by HDC on 14th August 2023: “There is photographic evidence that the car park has been used for events in the past”.

There is a significant lack of photographic evidence supplied by the nominating party that would suggest “actual current use [or recent use]” of the carpark for events.

With the exception of a single undated photograph of a marquee in the car park, we find it hard to understand how HDC can rule that there is sufficient evidence of the car park being used for more than an isolated event, currently or in recent past, to further the social wellbeing and interests of the local community.

The photograph below also does not clearly show an event (let alone a wedding), it simply shows someone stood next to a marquee. It is not clear from this photograph that an event was held with community benefit in mind, and is the only photograph that has been made available by the nominating party showing any use of the car park area.

As a comparison, we’d like to draw attention to the case of The Chequers at Swinford, who do use their car park sited marquee for regular public and private events, and in turn regularly post photographs of events (music, sport, charity etc.) held in their marquee and encourage their customers to book this for private functions.

In the case of The Cherry Tree Inn, there is instead a distinct lack of evidence to imply there is “an actual current use [or recent use]” of a similar kind, considering the site has been in use as a public house since 1860 (approx.).

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2. Rugby 2 Wheelers:

In the ruling document it was also implied that the car park is regularly used by a cycling group based in Rugby, the Rugby 2 Wheelers. Firstly, with regards to the photograph taken from our website/social

media showing the cycling group, it is worth us noting two points:

- They can quite clearly be seen sitting on the raised patio area, not in the car park area
- There are cars visibly shown using the car park as a car park in the background

Secondly, we must again be very clear about the outside area used by the group in the photograph and the frequency of their visit(s):

- The group are clearly seen not using the car park area
- This is an isolated visit from 2022

The group categorically do not regularly frequent the pub for their end of ride meets as implied in the ruling for this ACV listing, they can be contacted to corroborate if required. No cycling club or meet is associated with The Cherry Tree.

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3. Summer Crañ Market - August 2022 & Other Events:

The ruling document makes the following statement:

“The asset owner states in their original response that they have introduced a crañ market and other outside events to the pub.”

We must address the part of the statement that implies we have made mention of “other outside events” in our communications with HDC. This is not true and would ask HDC to retract this point as part of their ruling.

We clearly state in Appendix one of our original correspondence:

- The carpark does not promote cultural, sporting or recreational activities
- The driveway access to the car park does not promote cultural, sporting or recreational activities and is also access to private parking for the domestic element of the property

There is no other mention of the car park or use of outside space in our original correspondence.

In our second correspondence we make the following statement in relation to an isolated event in August 2022:

- Summer crañ market – first Saturday in August 2022

o Was held outdoors, this is the only activity that has been held outdoors under our ownership

For the record, there is then no other mention by ourselves of any events held in the outdoor spaces at The Cherry Tree.

In relation to the Summer Crañ Market in August 2022, this event again did not use the car park area.

The car park was used for the parking of stallholders and customer cars only. Please see below screen shots (taken from video footage of the event), where you can clearly see the car park being used for the parking of cars and not market stalls.

All, previous and subsequent, crañ markets have been held indoors in The Green Room (function room) and bar area of the pub, and have not made use of the outside spaces at The Cherry Tree Inn.

Photographic evidence of other events being held indoors can be provided if required for transparency, alternatively, please see our social media coverage of these events.

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Bonfire Night – Recent Past vs. Realistic Future Use

We must address the nominating party's statements around the use of the car park for past bonfire night celebrations and the distinct lack of photographic evidence provided.

Firstly, we must address a statement made in the ruling document that states:

“Whilst not contesting that this is the case the owner...”

We are not able to confirm nor deny that these events happened, as they would have all predated our time as residents in Cañhorpe. All we can say, and as we have stated previously, we were approached in 2021 to host an event and declined on the grounds of safety, the proximity to our neighbours and their properties and the need to uphold the licensing objectives as licensees, with key focus on the following three objectives:

- public safety
- the prevention of public nuisance
- the protection of children from harm

Secondly, we are not aware of any documented evidence available or provided by the nominating party to show that these events happened in the locations stated. To our knowledge the nominating party have not provided any photographic evidence of these events that they state happened up to 2020.

We find it hard to believe, in a world where everyone carries a camera via their smartphone, that nobody in the nominating party was able to provide a photograph of these events, especially when we are able to find photographs online of such events being held in other locations. We also were not able to find any photographs on the village Facebook Group or Website showcasing these events.

Thirdly, according to the statement made by the nominating party in an email sent on the 1st June, any such events were funded by the “village fund”, also implying that the events were not organised by the public house for the benefit of the community. Funds were exchanged as a business transaction; therefore, it is reasonable to assume any such events would have been in support of and to the benefit of the business function as a public house as a provider of food, drink and entertainment.

There is no evidence of any outdoor cooking facilities in the car park or on the raised patio at The Cherry Tree, nor is there any photographic evidence of this that we are aware of. We are also aware, but only from villager accounts, that implied the raised covered patio area (smoking shelter) was used for providing food at past events.

Fourthly, regarding the statement in the ruling that:

“It is reasonable to consider that the Bonfire Event could happen again at The Cherry Tree if proper insurance and safety considerations are made”

We must note that our current (2023-) and previous (2021-2023) business insurance provider would not insure the property or land for this type of event based on the proximity to neighbouring boundaries, other exclusions included the use of bouncy castles for example.

It is therefore reasonable to assume that any such event is unlikely to happen in the locations stated by the nominating party based on the ability to correctly insure the site for any such events.

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Finally, we struggle to believe that HDC would consider it realistic for any future Bonfire Event to happen in the locations stated by the nominating party, based on the proximity to two buildings at neighbouring properties; an existing shared apex roofed outbuilding at Don a Mick (Lavender Cottage) and Cornerways, and a recently constructed annex/work from home unit at Rosedene.

You can see the locations of both buildings on the plan below, which is taken from a planning application made to HDC by our neighbours at Rosedene Cottage.

View of the building at Rosedene Cottage from the car park of The Cherry Tree Inn.

Again, we feel that we must make note of our obligation as licensees to abide by and uphold the Licensing Objectives, with a strong focus on the three below. These of course would need to be considered when planning any event at The Cherry Tree, however, please note the points made specifically in light of the comments around Bonfire Night Events below:

- public safety
- o lack of insurance provision, fire safety of life, limb and property
- the prevention of public nuisance
- o existing anger of residents and farmers around stress to pets and livestock, firework mess and smoke pollution, disapproval raised by residents over spending of village fund on fireworks and alcohol
- the protection of children from harm
- o fire safety, road safety (if any such event was held in a public car park as implied by the nominating party)

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It could be strongly argued that any future event of this nature, regardless of the locations suggested by the nominating party, could put a licensee at this location in contravention of the licensing objectives and damage the connection with local community, instead of strengthening its bond with its direct neighbours and the surrounding community.

Consistent Application of Legislation

There are 11 public houses listed as an ACV in Harborough, however, there are 15 instances listed by HDC (see excerpts from appendices 1-15) where car parks are excluded in ACV listings.

We cannot therefore, ignore that there are a significant number of ACV nominations where HDC has ruled against the inclusion of car parks in ACV listings, on the ground of both lack of evidence and ancillary usage, but on this occasion have chosen not to take this stance regarding the car park at The Cherry Tree Inn.

Please see the excerpt below taken from Appendix 8 [The Coach and Horses at Lubenham]:
The car parks non ancillary use is for parking cars. Other uses could be considered ancillary. It is the opinion of the Authority that the car parks non ancillary use does not further the social wellbeing and social interests of the community.

The asset owner contests that the garden area is only permitted for use with express permission of the owner and or landlord/ landlady of the pub. They assert that the garden is to support the pub business.

Although additional photographic evidence has been provided to support the nomination this does not state whether the events are in support of local charities, groups or other causes or whether the events are to support the pub business.

On the balance of the evidence provided it is the opinion of the Authority that there is not sufficient evidence to list the garden as an ACV.

It is the opinion of the Authority that the nomination of the car park and garden should remain on the list of unsuccessful nominations.

We struggle to see why in the case of the Caistor 1 nomination for The Cherry Tree Inn, that it has been deemed that there is enough evidence for HDC to determine that the car park satisfies the requirement of s88 (1)a of the Localism Act. Which states:

an actual current use [or recent use] of the building or other land that is not an ancillary use

further the social wellbeing or social interests of the local community.

It doesn't seem reasonable or appropriate that HDC has ruled to include the car park area, in the listing for The Cherry Tree Inn, on the grounds of sufficient evidence being provided. We struggle to accept that a single photograph of a marquee [NOTE: not the use of a marquee by a wedding party, for a wedding as suggested by the nominating party, but simply an image of a lady stood next to a marquee], and word of mouth accounts of Bonfire Night gatherings on the car park, could be deemed sufficient evidence in this case.

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We also must draw your attention back to the confusing statement made in the ruling document regarding our own correspondence, which does not state in any way that any event, with the exception of a single craft market, has ever been held in our tenure in any of the outdoor spaces at The Cherry Tree Inn, let alone in the car park.

We can and have, however, provided evidence that the car park is in fact a car park, used for the sole and non-ancillary purpose of parking cars. We would also like to reiterate that we have no intention of ever using the car park for any other purpose than for the parking of cars.

We therefore ask you to reconsider the listing in the case of The Cherry Tree Inn, with regards to the removal of the car park area shown in blue in the aforementioned plan, leaving only the areas in green and orange listed as an ACV.

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Appendix 1

Arnesby – Little India Restaurant

Date of Inclusion: 27/10/2015

Date of Expiry: 27/10/2025

Excerpt from: Evidence and Decision List March 2023 | Justification for inclusion on list

At the five year review period the circumstances of the asset have not significantly changed and it is the view of the Council that the asset should be listed as an ACV for a further 5 years.

However, there is no evidence that the car park provides for the social well being and recreational needs of the community and it is the consideration that the car park should be removed from the listing but the garden containing tables and outdoor seating should remain within the listing.

Appendix 2

Great Bowden 3b – Car Park and garden associated with Red Lion Public House

Date of Inclusion: 14/07/2017 (unsuccessful)

Date of Expiry: 17/07/2022

Excerpt from: Evidence and Decision List March 2023 | Justification for inclusion on list

The car park and garden provide an ancillary function of the public house. The access/egress, profitability and parking issues highlighted in the nomination are ancillary functions of the asset.

Events have undoubtedly been held at the Red Lion garden and car park and there is pictorial evidence of such. However, it is considered that these are pub events held, as their main function, to increase the profitability of the public house for the benefit of the publican or owner.

There is no evidence given of regular meetings in the car park and garden by the community, local or otherwise.

The asset owner has stated that there is no realistic prospect of the recent use continuing in the future. However, while this may not be strictly accurate, it is not a consideration as the use is ancillary to the Public House.

The land is not in any of the exempt categories. The car park does not in the opinion of the Authority provide for the cultural, recreational or sporting interests of the community. It may indeed provide other important functions, but it cannot, in the opinion of the Authority, be considered as part of the Community Right to Bid.

It is the opinion of the Local Authority that the Red Lion Car Park and Garden should remain on the list of unsuccessful assets of community value.

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Appendix 3

Great Bowden 1 – Public House and Restaurant

Date of Inclusion: 23/03/2017

Date of Expiry: 22/03/2022

Excerpt from: Evidence and Decision List March 2023 | Justification for inclusion on list

The site of the Red Lion is large and little evidence has been provided by the PC to demonstrate why the entire site is required for the Red Lion to be a functional asset that provides social wellbeing and social interest for the local community. It is the opinion of the Authority that it would be unreasonable to list the entire Title of the Red Lion as an Asset of Community Value.

After due consideration of the facts presented to it, the authority is of the opinion that the building of the Red Lion at Great Bowden meets the criteria for being listed as an Asset of Community Value, and that it is reasonable to think that if purchased by the Parish Council it could be used in the future as a public house or other community asset.

The remainder of the site should be removed from the listing as has happened in other local Acv listings for public houses.

Appendix 4

Great Bowden 2b – land associated with Red Lion pub used as beer garden and car park

Date of Inclusion: 23/03/2017

Date of Expiry: 22/03/2022

Excerpt from: Evidence and Decision List March 2023 | Justification for inclusion on list

The site of the Red Lion is large and little evidence has been provided by the PC to demonstrate why the entire site is required for the Red Lion to be a functional asset that provides social wellbeing and social interest for the local community. It is the opinion of the Authority that it would be unreasonable to list the entire Title of the Red Lion as an Asset of Community Value.

After due consideration of the facts presented to it, the authority is of the opinion that the building of the Red Lion at Great Bowden meets the criteria for being listed as an Asset of Community Value, and that it is reasonable to think that if purchased by the Parish Council it could be used in the future as a public house or other community asset.

The remainder of the site should be removed from the listing as has happened in other local Acv listings for public houses.

The decision of the Council is therefore to list the Red Lion as an Asset of Community Value in accordance with the red edged plan at Appendix A.

The remainder of the site (car park and garden) to be listed as an unsuccessful ACV

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Appendix 5

Houghton 4 – public house and restaurant

Date of Inclusion: 05/02/2016

Date of Expiry: 05/02/2025

Excerpt from: Evidence and Decision List March 2023 | Jusñficañon for inclusion on list

At the five year review period additional evidence has been provided to demonstrate the funcñon of the car park in fulfilling the social wellbeing and recreañonal requirements of the community. It is the view of the Council that these funcñons have been sufficiently demonstrated on Facebook with retail outlets selling from the car park on a regular basis. It is the view of the Council that the frequency of these events held in the car park make them non ancillary to the running of the pub.

Appendix 6

Houghton 5 – public house and restaurant

Date of Inclusion: 03/12/2015

Date of Expiry: 03/12/2025

Excerpt from: Evidence and Decision List March 2023 | Jusñficañon for inclusion on list

Considerañon has been made concerning the inclusion of the car park within the ACV boundary. Evidence has been provided that during the COVID pandemic the car park has been used to host an outdoor market for the local community. Whilst this acñvity provides for the social wellbeing of the community during the COVID crisis, no evidence has been provided that demonstrates this will conñnue to be a regular event in the future. The operañon of the outdoor market must also be considered an ancillary operañon to that of the public house. The courtyard garden remains included in the ACV lisñng for the Rose and Crown Public House, which is consistent with oth lisñngs.

Appendix 7

Lubenham 2b – car park and garden associated with Coach and Horses PH

Date of Inclusion: 06/06/2017 (unsuccessful)

Date of Expiry: 06/06/2022

Excerpt from: Evidence and Decision List March 2023 | Jusñficañon for inclusion on list

The Parish Council has suggested that the car park is used not only during opening hours, but also at other ñmes of the day for much needed parking in Lubenham, although no evidence is provided for this. Given the locañon of the Coach and Horses on the A4304 between Market Harborough and Luñerworth serious considerañon must be given whether to include the enñre site as an Asset of Community Value.

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The non ancillary use of any asset must be to further the social wellbeing and social interests of the local community. It is clear that the pub building does this as a non ancillary funcñon, but liñle evidence has been provided that the car park and extended site perform a non ancillary funcñon.

In the opinion of the Authority the wider site should be excluded from the ACV lisñng and the building of the Coach and Horses listed as an ACV only.

Appendix 8

Lubenham 4 – car park and garden at the rear of The Coach and Horses, Lubenham

Date of Inclusion: 11/01/2018 (unsuccessful)

Date of Expiry 19/01/2023

Excerpt from: Evidence and Decision List March 2023 | Justification for inclusion on list

The owners also state that the car park is private and events are only by invitation of the owners.

They also assert that the car park and garden are associated wholly with and ancillary to the adjoining pub business.

The car park and garden should only be listed if there is:

- An actual current use or in the recent past the use of the building or other land that is no ancillary use furthers the social wellbeing or social interests of the local community
- It is realistic

Justification for inclusion on list

The Cherry Tree in Catthorpe was listed as an Asset of Community Value by Harborough District Council on 14 August 2023. The listing

included the public house, and external areas including the car park. The adjacent field was excluded from the listing.

Owners are permitted to seek a review of the decision within 8 weeks of notification of the listing. A request for review was received on 20 September 2023, which is within the permitted timescale. The request for review is therefore valid.

The review request was to reconsider the listing of the car park only.

The asset is considered to be of community value if:

“in the opinion of the authority

- its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and
- that use is not an ancillary one; and
- for land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and
- it does not fall within one of the exemptions which we will be putting in regulations, e.g. residential premises and land held with them.

“Social interests” are defined to include cultural, recreational and sporting interests

Evidence was provided by both the nominating group and the asset owner to support their opinions whether the Cherry Tree should be listed as an ACV or not.

The Director for Planning considered that with the evidence before him it was ‘on balance, reasonable for the car park area to be included in the ACV listing.’

It is this decision that as Chief Executive I have been asked to review.

The owner has provided a number of examples of Assets of Community Value where car parks have been excluded from the listing. The owners have contested that the District Council have been inconsistent in their approach to consideration of ACVs across the district.

These include:

1. Little India Restaurant, Arnesby – car park excluded
2. Red Lion Public House, Arnesby – car park excluded
3. The Rose and Crown Public House – car park excluded
4. The Coach and Horse Lubenham – car park excluded
5. The Staff of Life public house, Mowsely – car park excluded
6. Coop shop and post office, Scraftoft – car park excluded
7. The Chequers Inn Swinford – car park included

8.The Black Horse public house Swinford – car park excluded

In making his decision the Director for Planning took into account the photographic evidence of a marquee in the car park, photographic evidence of use of the outdoor shelter by a cycling club and the craft market started by the current owners.

The owners contest this evidence and have stated that the craft market was only held inside the public house. The photograph of the marquee was not dated and the owners contest that this does not form sufficient evidence to meet the requirements of S88 of the Act.

Subsequent evidence has demonstrated that the marquee was erected in the car park in September 2011. Additionally a gazebo is included in pictures on the Cherry Tree website, as is dog walking meets in the car park and an event celebrating the Platinum Jubilee was held in the car park in 2022.

The owners have requested that a statement by the Council on the original decision is removed. The statement concerns the Craft Market held at the pub which was stated to be outside. The Council are happy to retract this statement and apologise for the misunderstanding

The decision of the review is that the car park should be removed from the listing, but the public house, terrace and shelter remain as part of the ACV listing for 5 years.

The Council have reconsidered the original decision to list the car park and have concluded that the car park at the Cherry Tree public house in Catthorpe should be removed from the ACV listing without prejudice to decisions on any other Asset of Community Value nominations.

Cherry Tree Public House Catthorpe

Catthorpe 1

public house car park and garden

Status	(1) Successful Listing
Nomination Date	17/04/2023
Date included on list	11/08/2023
Date included on unsuccessful list	
date listing expires	10/08/2028

Evidence provided for ACV listing

The Cherry Tree Pub in Catthorpe has been a focal point of the community for many years. This charming village pub has been a hub for various activities that benefit both the locals and the wider community. Hosting village meetings, charity quizzes, markets for local businesses, skittles, dominoes and darts teams, ladies' nights, and church meetings, this pub has proved time and again that it is an essential community asset.

One of the main reasons why the Cherry Tree Pub is such a community asset is because it provides a meeting place for various groups. The village Parish meetings are held at the pub and are an excellent example of this. By providing a venue for these meetings, the pub helps villagers come together to discuss local issues and make decisions that affect their lives. This helps to foster a strong sense of community, which is vital for a small village like Catthorpe.

The pub's charity quiz nights are another important contribution to the community. These events provide an opportunity for locals to come together and raise money for a good cause. In the past, the Cherry Tree Pub has supported a range of charities, including Air Ambulance and repairs to the parish church. By hosting these events, the pub not only raises money for worthy causes but also promotes community spirit.

The markets for local businesses are another popular event hosted by the pub. These markets provide an excellent opportunity for local artisans and entrepreneurs to showcase their products and services. By hosting these events, the pub helps to promote local businesses and encourages people to shop locally. This, in turn, helps to boost the local economy and ensures that the community remains vibrant and prosperous.

The skittles, dominoes and darts teams at the Cherry Tree Pub were also an important part of the community. These teams provided an opportunity for locals to come together and compete in a friendly environment. This helps to promote a sense of camaraderie and encourages people to stay active and engaged with their community. It also provides a valuable source of entertainment for villagers, which is especially important for those who may otherwise feel isolated or lonely.

The ladies' nights held at the pub are another example of how this establishment supports the local community. By providing a safe and welcoming space for women to socialize, the pub helps to enhance the lives of those who live in the village. This is particularly important for those who may be new to the area or who may feel isolated for other reasons. It helps to promote a sense of belonging and encourages people to connect with one another.

Finally, it is worth noting that the Cherry Tree Pub is the only pub in the village. Catthorpe does not have a Village Hall or any other recreation area. This means that the pub plays an even more critical role in the community, as it provides a central gathering place for locals. Without the pub, villagers would have to travel outside the village to enjoy a drink or a meal, which would be a significant inconvenience. Therefore, it is clear that the Cherry Tree Pub is an essential community asset that plays a vital role in the lives of those who live in Catthorpe.

In conclusion, the Cherry Tree Pub in Catthorpe is a valuable community asset that provides a range of benefits to the village and its residents. By hosting meetings, charity events, markets, and sporting events, the pub promotes community spirit and encourages people to come together. Furthermore, by providing a vital social space and supporting local businesses, it helps to boost the local economy and ensures that the community remains vibrant and prosperous. Given all these benefits, it is clear that the Cherry Tree Pub is a vital part of the community and should be supported and celebrated accordingly.

Justification for inclusion on list

The nomination has been received from the Catthorpe Community Group. Catthorpe has a Parish Meeting only, so does not have a

default eligible body to make a nomination. The nominating body operates within the Parish of Catthorpe and has been organised to make the nomination on behalf of the community. The nomination has provided a list of 21 names from within or around the Parish that support the nomination of The Cherry Tree public house.

Eligible nominators are set out in Section 89(2)(b) of the Localism Act which provides that it must be made by one of the following:-

- (i) a parish council in respect of land in England in the parish council's area,
- (ii) a community council in respect of land in Wales in the community council's area, or
- (iii) a person that is a voluntary or community body with a local connection. :

Regulation 5 (1)(c) provides that a voluntary or community body means:-

- (a) a body designated as a neighbourhood forum pursuant to section 61F TCPA 1990;
- (b) a parish council but no other public or local authority²⁸⁹ ;
- (c) an unincorporated body with at least 21 individual local members which does not distribute any surplus to its members;
- (d) a charity;
- (e) a company limited by guarantee which does not distribute any surplus it makes to its members;
- (f) an industrial and provident society which does not distribute any surplus it makes to its members; or
- (g) a community interest company

Electoral Services have confirmed that the names on the list (including additional names) are recorded on the Electoral Register for Catthorpe.

In the St Gabriel Properties case Warren J stated that ““Unincorporated body” is a broad term which includes community groups of many descriptions.” (para. 21) and reiterated that there was no need for a written constitution.

Unincorporated associations can come into existence in informal circumstances without a written constitution particularly with campaign groupings as illustrated by the decision in Williams v Devon CC.

In the Trustees of the J Marshall Limited SSAS v Arun DC CR/2016/0025 Judge Lane applied the normal dictionary meaning of a body which is an “organised group of people with a common function”. It is enough that a number of individuals come “together to further a matter of common interest”.

The Cherry Tree has been nominated by a local group of 21 persons (with a local connection) and the nomination states it is made by an unconstituted community group - which is considered to be an unincorporated body.

An ‘unincorporated’ body is an organisation set up through an agreement between a group of people who come together for a reason other than to make a profit (for example, a voluntary group or a sports club).

unincorporated associations/bodies do not need to be registered, a local action group formed specifically to make a community nomination qualified without a name for the group or a formal constitution or set of rules. Neither of those are requirements for a group of individuals to be an unincorporated association.

“unincorporated body” is to be construed as its ordinary dictionary meaning of an organised group of people with a common function

(6) Unincorporated body – Community nominations often comprise a group of local residents who have come together quickly and informally solely with regard to the particular asset such as a public house. In a number of cases this has led to the opposing owner seeking to challenge the nomination on the ground that such a grouping does not satisfy the eligibility requirements.

It might be argued that there is no qualifying unincorporated body in existence and so the nomination is invalid and The Cherry Tree cannot be listed. Alternatively, it might be argued that the unincorporated body has not satisfied the eligibility requirements

What constitutes an unincorporated association?

Challenges to nominations on the ground that an unincorporated association does not exist have in the main failed in the First-tier Tribunal . It is, however, still necessary for groups to satisfy the eligibility requirements but any grouping of individuals should normally be accepted as constituting an unincorporated body

What is clear is that the judges of the First-tier Tribunal favour a robust interpretation of the ACV regime and the statutory requirements relating to a community nomination. Formal and procedural obstacles to listing can be overcome and in cases in which the nominated asset qualifies as an ACV it should be listed. In particular it has been evident that arguments that campaigning groups do not constitute an unincorporated body will usually not succeed.

These decisions make it clear that to be an unincorporated body the group does not need

(a) a constitution;

(b) a name;

(c) a contract between the members;

to constitute an unincorporated association there should be membership which is comprehensively identifiable.

However there must be a “body” of individuals. It is not considered enough that a number of individuals only sign a document supporting the ACV listing of an asset such as a public house. There has to be some organisation so that the individuals are members of a “body”.

The nominating group had not provided (by end June 2023) any evidence of either a constitution or evidence (minutes of meetings etc.) where the group has organised themselves into a community group for the purpose of making the Cherry Tree ACV nomination but just provided a list of names. A statement that any surplus will not be distributed to members had also not been provided.

On 5 July 2023 officers wrote to the community group again asking for clarification.

On 7 July 2023 the nominating group provided a constitution of the group which indicates that the group has 'The sole objective of this group is to keep the Cherry Tree operating as a public house to support social interaction, wellbeing and the interests of the local community'

The group has sufficient numbers (minimum 21) and these persons are proven to have a local connection. The matter of whether the nominating body is a 'group formed for a common purpose' has in the view of the Council been sufficiently proven.

The asset is considered to be of community value if:

"in the opinion of the authority

- its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and
- that use is not an ancillary one; and
- for land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and
- it does not fall within one of the exemptions which we will be putting in regulations, e.g. residential premises and land held with them.

"Social interests" are defined to include cultural, recreational and sporting interests

Evidence has been provided for a number of community events held in the public house. These date back in some instances for decades others being more recent. Numbers of attendees and frequency of events have been provided by the nominating body. Some of these events have now stopped but it appears others continue. It is reasonable to consider the 'recent past' being longer than five years because of the longevity of the public house as a community asset.

The asset owner has stated that they consider the community use of the public house is non ancillary to the main use of the cherry tree as a pub because of the frequency of events.

Planning

Pubs are protected as part of the Local Plan (policy HC3) which states;

1. Development involving the loss of an existing public house, post office or village shop selling primarily convenience goods will be permitted where:
 - a. reasonable efforts have been made to preserve the facility (including exploring diversification options) but it would not be economically viable to retain the building or site for its existing use; and
 - b. the public house, post office or village shop has been proactively marketed at a

reasonable price for a minimum of 12 months for its current use, free of tie and Restrictive covenant and there has been no definite interest in either the freehold or leasehold.

Accessibility and Local Pride

The public house is open and accessible to the entire community of Catthorpe and wider. It is reasonable to consider that given the information provided by the nominating group and asset owner that the Cherry Tree Public House provides for social wellbeing of the community, is a place that is valued and provides a place of local pride.

- Rugby and District CAMRA pub of the year winner 2021
- Finalist Great British Pub awards 2022
- Recommended Pub 2022

Extracts from comments received from Asset Owner

It is difficult to argue against the fact that The Cherry Tree Inn is an Asset of Community Value (ACV). It provides a social hub for the community of Catthorpe, and our customers from the surrounding villages and towns.

During our tenure at The Cherry Tree, village groups, namely the Catthorpe AGM, Poor Plots Committee and Coronation Committee, only started to approach us to use the pub for meetings in 2022.

We were contacted by a skittles team who were enquiring as to whether or not we would continue with skittles at The Cherry Tree. This was not an option to us as the skittles table was not sold to us as part of the pub's fixtures and fittings. The contact also stated that the teams had already arranged for alternative venues for both the men's and ladies' teams, please see excerpt from an email received in February 2021 below, there has been no contact from the skittles teams since this time.

Of course, The Cherry Tree is of significance to the village, of course it can legitimately be deemed an Asset of Community Value and of course the village community have the right to in their eyes act to protect it. However, the 'community group' who submitted this nomination do not represent the complete community of Catthorpe and the nomination has caused significant ill feeling within the village community as many residents feel misrepresented as they were not consulted.

Supporting justifications [for consideration of the area that should be listed as an ACV]:

- The commercial bar area has and is currently used by the community for cultural, sporting, or recreational activities
- The converted stables (to the right of the green area shown on the map above) was not part of the original commercial bar area
- All other areas are ancillary back of house areas (toilet block, cellar, rear store and service courtyard) that are not used by the public for cultural, sporting, or recreational activities

Village AGM

This has been provided as evidence of community use by the nominator. The asset owner has refuted the use as being ancillary to the use as a public house due to frequency.

A village AGM, by its nature will be only once per year. It can be considered an important part of Catthorpe Parish Meeting function and administration and therefore of significance to the community.

The AGM can be held at other venues, but that is not a consideration of the legislation.

Poor Plots Meetings.

Evidence has been provided by the nominating body of Poor Plots meetings at the Cherry Tree dating back a number of years. The owner has refuted the use of the pub for Poor Plots meetings as being ancillary to the main use of the Cherry tree as a pub.

The evidence provided is of minutes of meetings held in the Cherry Tree going back to 2018. The Poor Plots meetings are over 100 years old. The Poor Plots Charity seems a significant part of Catthorpe community life.

Other venues could be used for the Poor Plots Meetings, but it is not a consideration of the legislation.

Other meetings.

The owner asked the community whether other meetings needed to be held in the Cherry tree and received no responses . The owner considers this a demonstration that the Cherry Tree is not an asset of community value.

The requirements of the legislation state that the relevant meetings or events should be current or in the recent past. Evidence has been provided that meetings and community events have been held in the recent (although some greater than 5 years) past.

It is reasonable to consider that these events could be started again in the future.

Bonfire Night

A statement has been provided by the community group that the Bonfire Night celebrations have been held in the pub carpark/field. Whilst not contesting that this is the case the owner has stated that they refused the event recently because of insurance and the event could never take place because of insurance considerations.

The nature of Bonfire Night is that it happens once per year and continues at other venues in Catthorpe (evidence provided by asset owner)

It is reasonable to consider that the Bonfire Event could happen again at the Cherry Tree if proper insurance provision and safety considerations are made.

New Years Parties

A statement has been provided that New Years Parties have taken place at the Cherry Tree. The asset owner states that a New Years Party would be considered ancillary to the pubs main function as a public house because of frequency.

The nature of a New Years Party is that it happens only once each year. Parties can provide a significant opportunity for communities to come together and socialise. It is not unreasonable to consider that New Years Parties could be held at the Cherry Tree in the future.

It is acknowledged that other venues could be used for parties.

Ladies Night

The nominating body has provided statements and evidence of the use of the Cherry Tree as the venue for Ladies Night and these appear to be in the recent past. The owner contests that the frequency is insufficient for the event to be considered non ancillary.

The Ladies Night bookings appear to be at other venues currently. However it is not unreasonable to think that they could be held at the Cherry Tree in the future.

Sport teams

A number of sports teams have been listed by the nominating body as using the Cherry in the past.

- Darts – biweekly – finished 2019
- Skittles – biweekly – March 2020
- Dominoes – biweekly – March 2020

Given the Cherry Tree has been part of the village life for decades it is not unreasonable to consider the use of the Pub prior to the normal 5 year period for 'recent past'.

Whilst the asset owner states that there are currently no social/sports teams using the Cherry Tree and they have no intention of reintroducing them to the pub, it is reasonable to consider that these events could commence in the future. Statements by owners cannot be considered determinative otherwise the listing of an asset would be voluntary with owners being able to prevent a listing.

The Cherry Tree website has evidence that the pub has been used by Rugby 2 Wheelers (R2W) cycle club for their end of ride meet.

Additional events

There are a number of additional events listed by the nominating body, and some pictorial evidence of use of the car park for a wedding has been offered by the community group. The asset owner has stated that there are social events held in the pub (with numbers given) but

not in the car park or field.

The asset owner states in their original response that they have introduced a craft market and other outside events to the pub. These provide an opportunity for social interaction.

The asset owner has also stated that the pub holds quiz nights and fundraising events and is proud to support these. These are important events for the community to come together and socialise.

Ancillary or Non- ancillary?

Officers consider that the above events on balance can be considered non ancillary to the use as a public house. The number and diversity of events over the years and lifetime of the pub can be considered significant and it is reasonable to consider them to be non-ancillary to the use as a public house.

Some of the events submitted might only be once per year but that is the nature of many of the events listed. It is reasonable to consider that meeting of community groups can be considered to be a non-ancillary use of the pub. The events provide much needed attraction for customers in a country pub and opportunities for the immediate and wider community to socialise.

It is reasonable to think that these events can continue in the future.

Alternative venues?

The owner of the asset contests that these events cannot only be held in the pub, but could be hosted in other village venues. It is not a consideration of the legislation whether the social activities of the pub could be held elsewhere, but whether they meet the social interests of the community in the nominated asset, and whether they are sufficient to list the asset as an ACV.

Other assets that meet the requirements of the legislation could also be nominated and listed as Assets of Community Value.

Asset owners and consultation re nomination

The asset owners are upset that they were not consulted by the nominating group prior to the nomination being submitted. While it might be considered to be good practice and courteous for the nominating body to notify the asset owner it is not essential and not required by the legislation.

The asset owner contests that the community group is unrepresentative of the community stating in their response:

However, the 'community group' who submitted this nomination do not represent the complete community of Catthorpe and the nomination has caused significant ill feeling within the village community as many residents feel misrepresented as they were not consulted. The community as a whole should have the right to be included and involved in this nomination, this includes ourselves as the owners, to

ensure that the building is protected as a community asset for years to come.

The community group needs to meet the requirements of the legislation and have a minimum of 21 persons representing it. The 'ill feeling' within the community was given an opportunity to be voiced at the village meeting held in May 2023 which also served as community consultation. The motivation of the nominating body was questioned at the village meeting, but this is not a consideration of the legislation, rather it is just whether S88 of the act is satisfied.

The results of the poll taken at the meeting indicate that the majority of the community present do not support the ACV nomination. However, the community attendees at the meeting still may not be representative of the entire community of Catthorpe (Catthorpe population is recorded as 156 in 2021. Attendees at the meeting numbered approximately 47). Therefore, the result, although interesting is not conclusive to this decision.

Use by persons that do not live in the village

The asset owner states that, for example, only three teams (average) at quiz night are from the village of Catthorpe the remainder being from other villages. The asset owner also makes the point that only a small proportion of regular drinkers are persons that live in Catthorpe.

The legislation is clear that the nominating group must have a local connection in order to make a valid nomination. It is not clear that the social wellbeing, cultural and recreational (including sporting interests) of the community must be enjoyed only by those persons in the nominating community to be eligible.

Judge Jacqueline Findlay has stated that there is indeed no requirement that all members of the nominating group have entered the nominated asset or used its facilities (India Lounge Restaurant v Central Bedfordshire Council CR/2016/0020 at para. 17)

The benefit must be for the community and not individuals which the evidence provided appears to support.

Should the entire site be listed as an ACV?

The owner asserts that some areas of the asset shown on Land Registry Plan (LT324428) should not be listed because they have not furthered the requirements of S88 of the Act.

The owner states that the commercial bar area is and has been in the past used by the community for cultural, sporting, or recreational activities, but the remainder of the pub area should be excluded from the listing because it has not been used for these activities.

It does not seem reasonable to exclude individual areas of the same public house. If the pub is eligible to be listed it is reasonable to think that all the public areas will be used for the social and cultural activities and that these will not cease just because a patron has crossed an

imaginary line in the floor of the bar.

Whilst the domestic areas of the building are separate from the public areas they are not let out to others, but are apparently part of the owners living accommodation. On this basis they should not be excluded from the ACV listing

The other consideration is whether the car park and field should be listed as part of the ACV.

There is photographic evidence that the car park has been used for events in the past. The Cherry Tree website also contains pictures of a cycling club enjoying the outside amenities. Additionally the owner has stated that they have introduced a summer craft market that has been held in the outside spaces at the pub. The owner has stated that the smoking shelter does not provide for social and recreational pastimes, however in *Adams v Ashfield DC* (CR/2017/0010) an attempt to have the car park removed from the listing failed as photographs showed a shelter for smokers, a bbq and chairs outside. Outbuildings were excluded on the appeal because they were not used for the purposes of the public house but for the flats.

The owner has contested, however, that they do not use the outdoor areas for events.

Given the photographic evidence concerning use of the car park, outdoor space for events, other meets of clubs, smoking shelter and the statements of the owner regarding the craft market it is, on balance, reasonable for the car park area to be included in the ACV listing.

The evidence for the use of the field is for one isolated event and with the prohibition on the sale of alcohol on this area of land. On this basis the field should be excluded from the ACV listing.

The decision □

To list The Cherry Tree building and car park as an Asset of Community Value for 5 years. To exclude the adjacent field (marked '2' on the Land Registry plan) from the listing as an Asset of Community value

The Council have relied on the following precedents in coming to the decision.

Ancillary Use

To satisfy the two conditions set out in legislation the relevant community use must not be an ancillary use of the property.

There is no definition or guidance as to what "ancillary" and "non-ancillary" means and so it is left to each local authority to decide.

In a briefing paper for the House of Lords Report Stage prepared by Locality it was stated that ancillary meant "an incidental and minor feature of the use of asset".

On appeal to the Upper Tribunal in *Admiral Taverns v Cheshire West and Chester* Judge Levenson was asked to give guidance as to what is meant by “ancillary” but stated that it “seems to me that “ancillary” is an ordinary word to be understood in the context of the relevant legislation and in light of the facts of any particular case, and any further comment by the Upper Tribunal on its meaning would lead to more confusion rather than less.”

Judge Warren made the point in a ruling concerning the community use of Kassam Stadium (9th May 2014 – CR/2013/0010) , that it is not necessary that the community use is the “primary use” (para. 9) which the legislators could have provided but omitted to do so. This is not the view expressed by *Locality* that a secondary use is ancillary and that the community use must be the principal use. Judge Warren also did not accept the submission that the Community Right to Bid regime should be read as part of the general planning law. He accepted that material planning information will form an important part of the factual context but that planning concepts such as “planning unit” should not be used.

In the *Kassam Stadium* case Judge Warren found that the use by the Football Club was not ancillary. Therefore because it was a community use the current actual use condition was satisfied. It was enough that the Football Club's use was a significant use even though not the predominant use.

It follows that the test concerning ancillary use does not involve determining which use is the primary use. It is, however, necessary to look at the overall picture concerning the use of the asset to determine whether the community use is a significant use in the context of the particular property and not subsidiary to another major use.

All the circumstances need to be looked at including the history of the building and the nature of the connection with the local community.

Motivation of Nominating Body

In *Dunn v North Devon DC* the motivation of the nominating body was raised as a reason for removing the public house from the ACV list. Judge Lane rejected this and stated the motivation of the nominators “is legally irrelevant. The Act makes it abundantly plain that Parliament did not intend nominations to turn on motivation.” What is important is whether the statutory criteria in section 88 of the legislation are met. If so then the asset must be listed.

The Council consider it reasonable that the motivation of the nominating body is not a reason for refusing to list.

What constitutes relevant activities?

Judge Warren considered in his ruling with regard to the *Black Bull in Lowick* that community use was from activities such as pub quizzes, over 60s events and fundraising for the local football club. The judge considered that the local pub encouraged friendships, conversation and the mixing of classes and generations.

Judge Lane in Hawthorn Leisure Limited v St. Edmondsbury BC considered the public house in question fulfilled the requirements to be listed as an ACV because it “was a social meeting place, as well as playing a part in village activities.”

In Collins v Derbyshire Dales DC Judge Jacqueline Findlay considered the statutory requirement to be satisfied by the Three Stags Heads pub because “The Tribunal finds that the building is currently in use as a public house and is a venture which provides somewhere for village residence to meet and socialise. It acts as a place when people to interact with others from the local area to ensure a cohesive community and a village pub of this type meets the statutory test.”

In Neem Genie v Telford & Wrekin Council Judge Simon Bird QC considered that the Swan Inn at Waters Upton “was plainly actively and well used by the local community for a range of activities ranging from darts and dominos to the holding of wakes.”

In Admiral Taverns Limited v Cheshire West and Chester Judge Hughes found that it “is clear from the information before me that the premises have been used by local people as part of their social lives, meeting others in a convivial atmosphere for food and drink and furthermore holding some social events, notably quiz nights.” This was sufficient to establish that its use further the social wellbeing of the local community.

The Council consider it is reasonable that the uses listed by the nominating body are relevant uses for the purposes of listing the asset.

Use of Pub by those outside the community

In Pullan v Leeds City Council there was an unsuccessful attempt by the owners to show that the Old Cock pub was just a drinkers pub with a majority of the pub’s trade not being local. The evidence established that the patrons included locals even if they also used other pubs. The evidence did not show that they came only to drink and not to socialise. Further there were weekly music events and there was no evidence that the audience was drawn solely or predominantly from outside the town.

The Council consider that the Cherry Tree serves both members of Catthorpe community and further afield. Both uses can be taken into account in the listing decision.

Significance of annual events

The coming together of local residents was used as evidence for The Trustees of Sundorne Estate v Shropshire CC. This included the holding of the annual village fete which engaged recreational interest and “involve a bringing-together of the community”. The judge dismissed the argument that it was not significant because it was only an annual event, stating an “annual village fete is an important part of rural life and is looked forward to, planned and reflected on for the many months before or after the event.”

The Council considers that although some events are annual, the significance to the community must be taken account of.

Excluding external areas

A submission that a listing should be limited to the areas of the pub where the sale of alcohol or the playing of music is permitted was made by Punch Partnerships. It was rejected as it was “not possible rationally to contend that the community's relevant use is confined” to those areas (para. 15). In that case the use of the Shovel pub by the community “manifestly extends to the outdoor areas”.

Officers have considered the eligibility of the nominating group the provision of further information regarding the status of the group and the distribution of surplus, should there be any. This additional information has been provided prior to the listing decision for the Cherry Tree being made by the Local Authority and in the opinion of the Council meets the requirements to demonstrate that the community group is eligible to make the nomination.

Officers have also considered the evidence provided with the nomination and are satisfied that the use of the Cherry Tree public house does further the social well-being, cultural, recreational or sporting interests of the local community and it is realistic to think there can continue to be non-ancillary use of the building/land which will further the social interest of the local community. Therefore, it can be accepted, in accordance with Section 88 (1) of the Localism Act 2011 that the Cherry Tree Public House and car park in the opinion of the Local Authority should be listed as an Asset of Community Value for the next 5 years, but the adjacent field (marked '2' on the Land Registry plan) should be excluded from the listing.

Given the photographic evidence concerning use of the car park, outdoor space for events, other meets of clubs, smoking shelter and the statements of the owner regarding the craft market it is, on balance, reasonable for the car park area to be included in the ACV listing.

The evidence for the use of the field is for one isolated event and with the prohibition on the sale of alcohol on this area of land. On this basis the field should be excluded from the ACV listing.

Church Langton

Thorpe Field, Church Langton

Church Langton 2

Field on edge of village

Status	(1) Successful Listing
Nomination Date	25/04/2023
Date included on list	09/08/2023
Date included on unsuccessful list	
date listing expires	08/08/2028

Evidence provided for ACV listing

The Thorpe Path field is in Church Langton which is part of East Langton Parish. It is in a central, easily accessed part of the village and is bounded to the East by Church Langton Primary School playing fields, to the North by Old School Walk, to the West by Gardens of houses in Thornton Crescent and to the south by open fields. The field is called Thorpe Path open space after the footpath (A79 designation) which runs through it from Church Langton to Thorpe Langton (for boundary maps see page 2 of attachment of evidence supporting the bid)

The land is currently owned by The Leicester Diocesan Board of Education (since 2003) Hanbury Charity and was freely available for community use.

Before this time the land was wholly owned by the

East langton Parish Council are nominating the land for the following reasons.

1. The land is currently used daily by young and old in the parish for outdoor recreation, the continuing use of the field furthers the health, social and mental wellbeing and interests of the people of the parish.
(see pages 3 and 16 of attachment of evidence supporting the bid)

2. The field was given an Open Space Sports and Recreation designation from Harborough District Council 2004. Planning Practice Guidance defines open spaces as follows:

Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure (see National Planning Policy Framework paragraph 174), as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development (see National Policy Framework paragraphs 7-9).

The Neighbourhood Plan also shows planning support for designation of Thorpe Path Field as Local Green Space and this is its current additional designation after the East Langton Neighbourhood Plan Review went to referendum and was Made in October 2022. (page 5 in attachment of evidence)

LDBE have tried and failed to secure permission to build houses on the field. New housing (page 11 of attachment) and Residential Site Allocations within the Parish fulfills our allocated housing needs in the Neighbourhood Plan.

3. The Examiner's comments from the Neighbourhood Plan support the use of Thorpe Path Field as open space
(her comments can be read in full in evidence attachment page 9)

4. Lack of open space within the parish open to the public.

At present there is no public open recreation space within the parish. Friends of the Earth survey 2020 gave the parish the lowest score for access to open space.

The pandemic showed how valuable open space is to people and despite living in the country the ownership of the land confines people to streets and footpaths without access to a wide-open space. The cricket ground at East Langton is in private ownership and although people can become members for a fee and walk on the ground its primary sporting purpose prevents it from being used as a playing field or open park.

(see page 16 of local responses about Thorpe Path field)

5. Why we believe that the use of this land is not an ancillary one is that Thorpe Path Field has been in continuous use for recreation and social events by people from the village (evidence page 10 History of Thorpe Path Field). Use by the community for informal recreation is not an ancillary use of a site that has been designated as a site for Open Space Sport and Recreation. The benefit the land provides for the community in health and wellbeing terms is not an ancillary use of the site in that the site provides landscape and setting within the built environment as a non ancillary function.

It is in daily use by villagers for walking, dog walking, children playing, kite flying and appreciating nature. The church has used the field for parking for their events. However some community activities have been restricted by the fencing off of part of the field. Although the LDBE own the land they themselves have not used the field for any purpose. When the land was offered to be rented out the Parish Council put in a bid, but received no response. The land has not been rented for grazing. The field is kept in trim by local volunteers. (evidence for this is supported by comments and photos from local adults and children from page 16 of the attached evidence section)

6. This bid is fully supported by the local community. (see section 5 for evidence of this)

COMMUNITY SUPPORT FOR COMMUNITY RIGHT TO BID

The loss of the use of the field has impoverished people's opportunities for being outdoors and to organise community activities

(see page 10 for evidence see History of the Uses of Thorpe Path Open space which details the many uses of the field up to the present)

Since the field was claimed by the Leicester Diocesan Board of Education in 2003 many local people and organisations have tried to persuade the LDBE to give previous free availability of the field back to local people .

East Langton Parish Council has always supported the aim of Thorpe Path Field Open Space continuing to be used by parishioners as demonstrated in the Neighbourhood Plan and the continuing referral to ways of obtaining use of the Thorpe Field Path as shown in the Parish Council minutes. An independent valuation of the field was paid for by Parish Council Funds.

The actions by the LDBE have had a dramatic effect on Church Attendance and the negative feelings have soured relationships between the Church and the village. If the diocese were to donate or sell the field to the village at a reasonable price this would go a long way to heal this breach. The Church is an important part of village life that has been damaged.

A local community Group (chaired by Antony Lawton a resident of Church Langton) called #kooso was formed in 2020 with the specific aim of Keeping Our Open Space Open. This group has worked to keep the field fit to be used by mowing it, and to bring to attention the danger of losing the field for public use)

In May 2021 a protest meeting took place on Thorpe Path Open Space when out of the blue and without planning permission a fence was erected across the field limiting access and blocking the right of way on the A79 footpath. People were there to support the aim of having public access to a

much-valued resource for the Parish. This was well supported by local people (see Harborough Mail article page 13 of evidence attachment which explains the reasons for the protest and shows photographic evidence of community support)

Also present at this protest were local MP Neil O'Brien, Kibworth County Councillor Kevin Feltham and all parish councillors. Local children had made posters to show how strongly they felt about the field. Mr Anthony Lawton (#kooso) spoke and Mr O'Brien MP also spoke supporting the aims of the meeting and offered his help to regain the field for public use.

After this event Harborough District Council Leader Phil King and Neil O'Brien met with the Bishop of Leicester in autumn 2021 to see if a way forward could be found.

In Feb 2022 a public meeting was held at Langtons Community Hall chaired by Councillor King. Over 80 people from the parish attended and expressed in the strongest possible terms of their wish to permanently regain the unfettered use of the field. (page 15 of supporting evidence) At this meeting Councillor King was able to relay an offer from the LDBE to sell the land to the community. The Land had been valued by Andrew Granger's estate agency.

There was a public discussion at the start of the March '22 Parish Council meeting as to the best way forward of buying the Land. The Parish Council, after seeking several quotes, has had an independent RICS Red Book valuation of the land by Fisher German Estate Agency. This was carried out on 28th July and the parish council have now received this report.

Thorpe path Field has been designated as a Local Green Space in the East Langton Parish Neighbourhood Plan which has passed Examination so is now afforded significant weight in the planning system. The referendum on October 27th 2022 supported the adoption of the Neighbourhood Plan. The Local Green Space policy rules out development on the site in perpetuity.

It would be absolutely brilliant if the community were able to purchase this land and secure its future for public use. As you can see from the evidence in section 4 the space would continue to be well used for outdoor recreation and to have the opportunity to bring back all the organised community activities that used to take place there is much wanted and needed by the people of the Parish.

Maintainance

Part of the Thorpe Path Open Space is already mown and maintained by villagers from Church Langton. East Langton Parish Council already maintains the village Green in Church Langton by the War memorial and would be prepared to take on the management of a more formal upkeep of Thorpe Path Open Space.

Future Use

page 3 in evidence showing survey of current and future use

If the village were able to buy the land they would then canvas local people as to what improvements they would like to see such as:

- to diversify the natural environment with regards to wildlife areas.
- to ask children what they would like in this open space e.g. reinstate the goalposts.
- Reinststate a play area and equipment which was lost as a result of the Old School Walk development.
- Have seats for older people.
- We would look at what other local parishes have done with their open spaces eg. Foxton.

- Tree planting – Queen’s Green Canopy

Funding

The Parish Council has set aside money from the Lightsource annual payments from the solar panel installation situated in the neighbouring parish of Thorpe Langton for an important long term project. The purchase, legal costs and future recreational use of Thorpe Path Open Space is at present the most important project for the use of this money.

Other funding could come from

- a rise in the precept for the parish
- Fundraising by local people
- Applying for grants

After the public meeting in February 2022 it was voted upon and passed with no dissensions that the firm wish of people at the meeting was to explore the opportunity of buying the land.

So it is with the widest community support I am applying for a community right to bid on this land.

Justification for inclusion on list

Red Lion Public House and Garden (submission 3)

Great Bowden 4b

Public House (Red Lion pub listed until 22/4/22) and garden currently not listed

Status	(1) Successful Listing
Nomination Date	23/02/2021
Date included on list	11/06/2021
Date included on unsuccessful list	
date listing expires	10/06/2026

Evidence provided for ACV listing

There has been a Pub serving the community on this site since the mid 1700's. The Red Lion is one of only two public houses left in the village. It closed four years ago at about the same time that it was listed as an Asset Of Community Value. When it was open it provided a regular meeting place for villagers furthering the social wellbeing and recreational interests of the community. It is the wish of Great Bowden Parish Council (GBPC) that this should continue in the future.

The Red Lion Pub comprised a bar and dining areas, kitchen and toilets. It had private accommodation on the first floor.

The current ACV expires on the 22nd March 2022 and only relates to the pub itself excluding the large garden to the rear and the associated carpark. It is now the wish of Great Bowden Parish Council to re-nominate the pub and nominate the garden and carpark, as a total entity, as an ACV.

Great Bowden Parish Council's Neighbourhood Plan carried out a community questionnaire, the results of which showed that The Red Lion was well loved as a village community amenity with 69% of respondents stating that they regularly used the pub. A Facebook support group, entitled, Save The Red Lion, was started by a number of residents when The Red Lion closed. It now has 765 members. This demonstrates the amount of local support that exists to reopen The Red Lion.

Willoughby (610) Limited, the owners, licence holders and operators of The Red Lion also own The Sun Inn at Great Easton which was successfully reopened in December 2019. This has given Willoughby the confidence to refurbish and reopen The Red Lion.

Unfortunately, the Covid-19 pandemic prevented the owners from immediately refurbishing The Red Lion so the decision was made to reopen the garden only (which forms part of the licensed premises) in July 2020 to serve food and drink from a converted storage container. The use of the container for the sale of food and drink would cease once the refurbishment of the pub is completed when the garden would continue to be an outdoor space for eating and drinking as used to be the situation before the pub was closed in 2017.

This use of the garden as an outdoor space has been very successful as can be seen from the photographs attached in the same document containing the site boundary plan. The photographs show the garden in use during August 2020.

One thing that the pandemic has done is to change people's views on outdoor facilities in that it is now realised how important they are. It should be noted that an ACV accreditation is a quality mark which would confirm that The Red Lion pub is valued by local people and is an important part of community life. This can be used by the owners to further promote The Red Lion to the community and potential new customers. Accordingly, GBPC and signatories wish the property to continue as a public house & restaurant, and as such would explore all possible means of achieving this aim.

Retain as a community Public House and Restaurant

The local community has agreed to use its best endeavours for formulating a plan to purchase and run the Pub as a community asset

To the rear of the property is a large garden and decked seating area surrounded by privacy wall and fencing. A large carpark extends to the side of

the garden. This is accessed by a drive from Main Street. The boundary is denoted by fencing and walls and is outlined in red on the attached Location Plan as given in Planning Application 20/01194/FUL. The building, garden and car park in its entirety is to be nominated as there is very limited parking in front of the pub on the busy Main Street.

Justification for inclusion on list

The nomination has been made by Great Bowden Parish Council for an asset within the Council area and is therefore compliant with the legislation.

The public house is listed as an ACV until 2022. It is understood the public house is to be reopened after the COVID pandemic response is eased and much work has been undertaken to the garden and car park area to allow communities to enjoy the public house facilities while socially distancing.

The asset owner has stated that he does not oppose the listing of the public house and garden as an Asset of Community value. In order to be listed as an ACV the local planning authority has to be satisfied that one of two sets of criteria have been properly considered for the listing. The statutory criteria are set out in section 88 of the 2011 Act. The first condition is concerned with either current use or, if there is no current community use, then use in the recent past. The second condition is concerned with future use.

Stage 1 of the assessment is governed by section 88(1)(a) to determine whether "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" (i.e. community use) if it does then for the asset to qualify as an ACV sub-section (1)(b) requires in addition that "it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further the social wellbeing or social interests of the local community." The continued use of the asset does not have to further the social well being of the community in the same way.

The summary is that there is an actual community use which is not an ancillary use and that in the future it is realistic to think that a non-ancillary community use will continue even if it is different to the current use.

If the asset does not fulfil the requirements of an ACV in the first stage of the assessment then the second stage assessment is considered. This is governed by section 88(2) of the 2011 Act.

The first condition that has to be satisfied is contained in sub-section (2)(a) and requires that there has been "a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community". The second condition contained in sub-section (2)(b) is that it is realistic to think that there is a time in the next five years when there could be nonancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community. The "recent past" is not specified but HDC usually takes a period of 2 years, but is can be longer for long established assets such as public houses.

The nominating body has provided additional information to support the nomination and states that a number of community groups use the Red Lion garden for their activities. The frequency or numbers of persons attending the meetings is not given so it is therefore difficult to assess the significance of these meetings in the context of the public house and whether these are a non ancillary use. However, there has been no evidence to the contrary and pictures of community use support the statements provided by the nominating body.

It should be recognised that the public house has been open for hundreds of years and pubs provide an important place to meet, socialise

and undertake community events. Evidence has been provided of such events, and it is clear that these provide for the social wellbeing, cultural and recreational needs of the community.

Judge Warren (Hawthorne Leisure Acquisition v Northumberland County Council) [CR/20014/0012] noted that pubs "encouraged friendships, conversation and the mixing of classes and generations". These are positive things which contribute to the social wellbeing of the residents of the local community.

Judge Findlay (Collins v Derbyshire Dales District Council) [CR/2016/0005] observed that "the building is currently in use as a public house and is a venture which provides somewhere for village residence to meet and socialise. It acts as a place when people to interact with others from the local area to ensure a cohesive community and a village pub of this type meets the statutory test."

Case law would therefore seem to support the use of the public house and enhanced garden facilities to be included within the listing as an asset of community value.

The first test in the opinion of the Council is therefore satisfied in that the asset provides for the social wellbeing, cultural and recreational interests of the community and evidence has been provided as such.

The question remains whether the use of the pub garden is non ancillary to the use as a public house.

The use of the garden space through COVID and installation of the outside bar appear to strengthen the garden space as a non-ancillary part of the public house.

Planning application 20/01884/FUL to erect a covered courtyard on part of the garden would seem, if permitted, to further the community use of the area, whether for socialising or other community meetings. The use of the garden as an outdoor space would be enhanced by erection of the courtyard garden and would appear to strengthen the case for listing the garden within the ACV boundary.

There has been a mixed level of support from the community for application 20/01884/FUL relating to noise and parking issues with others supporting the application. Whilst these are not issues that can be directly considered as part of an ACV application it is an indicator how the community values the public house and whether they genuinely support the long term future of the Red Lion as a community asset.

The judgment in Z B Investments Limited v Croydon LBC CR/2016/0009 included the following point regarding the use of the Ship Inn garden an Asset of Community Value

(e) the garden/yard formed an integral part of the pub

In the view of the Council the use of the garden is therefore non-ancillary of the use of the asset as a public house.

Houghton on the Hill

Houghton Cricket Pitch
(Reviewed 2020/21)

Houghton 1

sports field and pavilion

Status	(1) Successful Listing
Nomination Date	15/01/2016
Date included on list	11/06/2020
Date included on unsuccessful list	
date listing expires	11/06/2025

Evidence provided for ACV listing

The Cricket Pitch and grounds complement the Playing Field facilities to provide an extremely wide variety of opportunities for people wishing to participate in outdoors sport in the village.

It has extensive facilities including:

- On site changing facilities
- Covers
- Pavilion
- 2 artificial nets
- 1 grass net

The parish Council would want to continue its existing use and would resist any suggestions to build on this precious asset for which there is a proven need

Justification for inclusion on list

The Houghton Cricket Field at Dixons Field has been nominated in accordance with the regulations by Houghton on the Hill Parish Council.

It is within the boundary of Houghton Parish and furthers the social and recreational interests of the community with its primary use as a sports field.

It is reasonable to think that if purchased by the community this use will continue as it is protected as a site for Open Space Sport and Recreation in the National Planning Policy Framework 2012 and Local Planning policies.

At the five year review the circumstances and use of the cricket field have not substantially changed and it is reasonable to think that the site will continue to provide for the the social wellbeing or cultural, recreational and sporting interests of the local community. That use can also be considered as non ancillary to the main function of the site as a sports ground.

The site has been assessed as part of the Playing Pitch Strategy and is deemed to be in high demand as a cricket field. The site receives protection under Local Plan policies and NPPF.

Houghton Field,
Houghton on the Hill
(Reviewed 2020/21)

Houghton 2

sports field and pavilion

Status	(1) Successful Listing
Nomination Date	01/09/2015
Date included on list	03/12/2015
Date included on unsuccessful list	
date listing expires	03/12/2025

Evidence provided for ACV listing

The playing field is extensively used by local groups for:

- Tennis (3 courts which are 1 floodlit)
- Football

Parents and children value the purpose-built fenced-off play area with swings, this being the only such facility within the village.

Young people can play on the field and they have a youth shelter and play equipment. It is a popular location for dog walkers and residents simply enjoying the open air.

The field is highly valued by the community, not just by those who play these sports, but by the many people who walk across the field and admire the superb views over open Leicestershire countryside.

The pavilion is used by the table tennis clubs and the bridge club. It can be hired for social occasions and meetings.

The Parish Council would want to continue its existing use and would resist any suggestions to build on this precious asset.

Justification for inclusion on list

The Houghton Field has been nominated in accordance with the regulations by Houghton Parish Council. It is within the boundary of

Houghton Parish and furthers the social well being and recreational interests of the community. Its use as a sports field is the primary function of the asset, and it is reasonable to think that this will continue. The field is afforded protection under the NPPF 2012 and through Local Planning policies.

The asset does not fall into any of the exempt categories.

At the five year review additional evidence has been provided by the Parish Council. The site provides an area for the playing of formal sport with changing facilities and social space. There is no reason to think that the circumstances of the site have changed and the asset should continue to be listed as an asset of community value.

Houghton on the Hill Allotments	Houghton 8	allotments owned by the PC managed by Houghton Gardeners Club	Status	(1) Successful Listing
			Nomination Date	11/04/2017
			Date included on list	14/07/2017
			Date included on unsuccessful list	
			date listing expires	13/07/2027

Evidence provided for ACV listing

Houghton allotments have been a popular facility in our village for many years. It's enabled single people, couples and families to hone their food growing skills, get fresh air and exercise and make friends. There is usually a waiting list to get onto our allotments and though we have a small turnover each year, many plots have been lovingly maintained by families for decades. We are considering a new scheme where we will plant any vacant plots with vegetables and donate the harvest to local food banks.

With concerns about mental health, well-being and obesity in the forefront of the news, encouraging micro-production of fresh food at a local level is crucial for a community's health; allotments provide an environment to relax, recharge and live in the moment. It teaches patience and helps people make a connection with the natural environment.

Schools have incorporated 'food for life' programmes into the curriculum and there has been a surge in interest from public health, the private sector and the NHS to help fund and support food growing mentors like the Leicestershire Master Gardeners. We would like to be involved in community growing schemes and encourage the next generation to know where their food comes from and how to grow it, but in order to do this, we need to ensure that our allotments are protected and remain integral to our community

Justification for inclusion on list

The nomination has been made by Houghton Gardeners Club. Evidence has been provided of the club membership and at least 21

members of the club reside in Houghton on the Hill. Unconstituted community groups of at least 21 members and not-for-private-profit organisations (e.g. charities) whose activities are wholly or partly concerned with the area, or with a neighbouring authority's area, can nominate Assets of Community Value.

The allotments provide social and recreational activity for members of the community and that activity is current. The evidence provided demonstrates that the allotments are well used and fully tenanted.

The use as allotments is the non ancillary use.

It is realistic to think that the use as allotments can continue. There has been no evidence to the contrary provided.

The allotments do not fall within any of the exempt categories.

Houghton on the Hill
village hall and field
(Reviewed 2020/21)

Houghton 7

village hall and field

Status	(1) Successful Listing
Nomination Date	01/09/2015
Date included on list	03/12/2015
Date included on unsuccessful list	
date listing expires	03/12/2025

Evidence provided for ACV listing

The land on which the Village Hall stands was given by Miss Charlotte Smith in 1920. The present village hall was built by J T Forsell in 1921, in memory of his son who died in the 1st World War.

Houghton Village Hall is available for hire for both private and commercial purposes. There is a main hall with a raised stage, a refurbished meeting room, a modern fully equipped kitchen and ladies and gents toilets. The village bowls club is based here, also the Scouts, Guides, W.I. etc. There is a large recreation field beside the hall for use by the general public.

The Village Hall is used as a polling station at elections.

The day to day running is the responsibility of the Management Committee.

It is the community hub for the village and is extensively used by village groups.

Policy HS /9 protects defined "important areas of open land", which includes the Village Hall field.

The village hall and field, if under threat, could have a sustainable future preferably by maintaining the existing use or other options could be explored.

The Parish Council would seek to maintain the existing use for these valued assets which have been extensively used for over 90 years.

Justification for inclusion on list

The village hall and field have been nominated in accordance with the regulations by Houghton on the Hill Parish Council. The asset is

within the boundary of Houghton Parish, and the primary function is as a meeting room and community hub. Its function furthers the social well being of the community and it is reasonable to think that this will continue.

At the five year review additional evidence has been provided that the village hall and field still furthers the social wellbeing or cultural, recreational or sporting interests of the local community. It is the view of the Council that the listing of the Village Hall and Field should be listed as an ACV for a further 5 years.

Methodist Schoolroom and Chapel (Reviewed 2020/21)

Houghton 3

meeting room and community hub

Status	(1) Successful Listing
Nomination Date	01/09/2015
Date included on list	03/12/2015
Date included on unsuccessful list	
date listing expires	03/12/2025

Evidence provided for ACV listing

The chapel and schoolroom are available for all members of the community and others to hire at a very reasonable cost as an alternative to the Village Hall.

Regular users include the Arts Circle, the Parish Council and the Houghton Singers.

The schoolroom provides a valuable facility to the village, is hired by many groups and makes a significant contribution to village community life.

The Methodist Church schoolroom and chapel, if under threat, could have a sustainable future for social and community use. The building could provide a home for retail and leisure opportunities according to the needs of the local community.

Justification for inclusion on list

The Methodist Schoolroom has been nominated in accordance with the regulations by Houghton on the Hill Parish Council. The function of

the asset furthers the social well being of the community and it is reasonable to think that this will continue .
The asset is also within the boundary of Houghton Parish and is not in any of the excluded categories.

Additional evidence has been provided by the Parish Council during the review period. There are regular users of the meeting room and a variety of uses that further the social wellbeing or cultural, recreational or sporting interests of the local community. It is reasonable to think that these uses will continue in the future and are non ancillary to the functioning of the asset as a meeting room for the community

Old Black Horse Public House (Reviewed 2020/21)

Houghton 4

Public house and restaurant

Status	(1) Successful Listing
Nomination Date	01/09/2015
Date included on list	05/02/2016
Date included on unsuccessful list	
date listing expires	05/02/2025

Evidence provided for ACV listing

The Old Black Horse is one of only two public houses in the village.

It is a popular location for people meeting in the village and boasts an impressive array of facilities including:

- Beer Garden
- Ample Car Parking
- Darts
- Food menu including fish and chips evening and pie night
- Live Sports
- Petanque
- Regular quiz nights
- Live music

Everards was crowned Pub Champion 2013 by the British Beer & Pub Association...

The public house, if under threat, could have a sustainable future preferably to maintain its existing use or other options to maintain its social and community use could be explored. The building could provide a home for other retail and leisure opportunities according to the needs of the local community.

Justification for inclusion on list

The Old Black Horse has been nominated by Houghton on the Hill Parish Council in accordance with the regulations, and is within the

boundary of Houghton Parish.

The current primary function of the pub is to further the social well being of the community and it is realistic to think that this will continue if purchased by the community.

Representations were received from the asset owner prior to listing of the asset; however the reasons given were not sufficient in the opinion of the Authority to list as an unsuccessful asset of community value.

The reasons given by the asset owner were:

ability to manage the asset and take long term investment decisions will be impaired if it is added to the Register of Assets of Community Value. Ability to maximise value, operate with speed and unfettered flexibility will be affected as will the long term value and ultimately therefore the sustainability of the site.

At the five year review period additional evidence has been provided to demonstrate the function of the car park in fulfilling the social wellbeing and recreational requirements of the community. It is the view of the Council that these functions have been sufficiently demonstrated on Facebook with retail outlets selling from the car park on a regular basis. It is the view of the Council that the frequency of these events held in the car park make them non ancillary to the running of the pub.

**Rose and Crown
Houghton on the Hill
(Reviewed 2020/21)**

Houghton 5

Public House and Restaurant

Status	(1) Successful Listing
Nomination Date	01/09/2015
Date included on list	03/12/2015
Date included on unsuccessful list	
date listing expires	03/12/2025

Evidence provided for ACV listing

The Rose and Crown is one of only two public houses in the village and is a popular location for people meeting in the village.

The Rose & Crown is a family run Free House Pub and Restaurant and offers a warm welcome and friendly atmosphere, perfect for savouring the hearty seasonal pub food on its menu and the carefully nurtured cask ales, beers, fine wines and spirits gracing the bar.

It has:

- A Courtyard for eating alfresco in the summertime
- Live music events
- Private dining packages

It is also an accredited CAMRA pub.

The public house, if under threat, could have a sustainable future preferably to maintain its existing use or other options to maintain its social and community use could be explored. The building could provide a home for other retail and leisure opportunities according to the needs of the local community.

Justification for inclusion on list

The pub has been nominated by Houghton on the Hill Parish Council in accordance with the regulations. It is within the Parish of Houghton

on the Hill and its current and primary function fulfils the social well being of the community. It is reasonable to consider that this function will continue if the pub is purchased by the community as the current business is profitable.

At the five year review period there is no evidence that the circumstances of the pub have changed and the listing should continue.

Consideration has been made concerning the inclusion of the car park within the ACV boundary. Evidence has been provided that during the COVID pandemic the car park has been used to host an outdoor market for the local community. Whilst this activity provides for the social wellbeing of the community during the COVID crisis, no evidence has been provided that demonstrates this will continue to be a regular event in the future. The operation of the outdoor market must also be considered an ancillary operation to that of the public house. The courtyard garden remains included in the ACV listing for the Rose and Crown Public House, which is consistent with oth listings.

St Catharines Green, Houghton on the Hill (Reviewed 2020/21)	Houghton 6	open space HDC owned	Status	(1) Successful Listing
			Nomination Date	01/09/2015
			Date included on list	03/12/2015
			Date included on unsuccessful list	
			date listing expires	03/12/2025

Evidence provided for ACV listing

It is defined as ‘important open land’ and young people enjoying playing on the green

The Parish Council would want to continue its existing use and would resist any suggestions to build on this precious asset.

Justification for inclusion on list

The green has been nominated by Houghton Parish council in accordance with the regulaitons. The green is within the boundary of

Houghton Parish and furthers the social well being and recreational needs of the community. This function is its primary use.

The open space is owned by the local authority and was provided for the community as open space in perpetuity it is therefore reasonable to consider that it will continue.

The use of the green was reconsidered at the ACV five year review period. The evidence provided in the Open Spaces Strategy 2021 demonstrates that St Catharibes Green provides for the social wellbeing or cultural, recreational or sporting interests of the local community with the site receiving a high value score (60 to 100%) in the site audits during preparation of the Strategy.

Illston on the Hill

Fox and Goose Public House, Illston on the Hill	Illston 1	public house and outside space	Status	(1) Successful Listing
			Nomination Date	31/01/2024
			Date included on list	03/04/2024
			Date included on unsuccessful list	
			date listing expires	02/04/2029

Evidence provided for ACV listing

'The shop, Post Office and school have closed forever in the village. Only the public house remains.'

'It is used by the community as not only a meeting place but hosts events. It is a gathering point for not only residents but also other groups such as cyclists and walkers'

Maps show the site of the Fox and Goose Pub has been a PH since 1880 and probably earlier than this. Since that time, the village has lost its school, Post Office and shop. Hence the pub has become the social centre of the village.

The Fox and Goose is open 7 days a week, and in a one week period, serves refreshment to over 100 different customers, providing a hub for the local community and a destination for visitors. All visitors are welcome, from babies in pushchairs to the elderly in wheelchairs and Dogs too.

Our pub is our community centre and provides for many groups, clubs and social occasions such as :

Weekly Quizzes / Bingo takes place which raises money for local charities. (Tickets are always sold out)

The Illston village darts team practice here and use this facility for league matches weekly.

Illston Parish Council and Illston Land Charity host some of their meetings here.

Local businesses use the facility as a "soft" meeting room.

Local shoots, Noseley, Gaulby, Glooston, Rolleston and Kings Norton use this facility after their sporting days and Game keepers throughout the year.

BBQ's are regularly held in the summer months to raise money for charity.

Some senior locals use the facility to save money on heating in an evening, and take comfort by the open fires.

Illston Yacht Club use this as a meeting place to plan future trips.

Cycling club (Wellham Wanderers) meets here once or twice per month.

Karaoke nights which are enjoyed by the whole community.

Walking clubs – various (Muddy boots welcome)

Local birthday party celebrations (28yr and 80yrs in the last two months)

A variety of food is served and provided for the shoots and social events on request.

Pizza is served 4 evenings per week to eat in or take-away.

The asset offers free Wifi for all customers.

Part-time staff are all locals and this facility has been the first working environment for many of the younger parishioners. When the landlord has a holiday or day off, a number of different locals step in to run the facility.

The decor of the pub is a source of immense pride as evidence of previous charity donations, village celebrations, pillars of the community are pictured upon the walls and also a dedicated chair.

The village feel very strongly in maintaining this facility, although it may not necessarily a large financial asset to the owner. We would therefore wish to keep it running for all existing and newcomers, as we feel it is a very important part of parish life this and is part of our village charm. We would not wish to see the pub sold off for any other purpose or to lose its unique appearance.

Justification for inclusion on list

Kibworth Harcourt

Jubilee Green
(reviewed 2020)

Kibworth H 2

Green space with play
equipment, seating and
mature trees

Status	(1) Successful Listing
Nomination Date	06/06/2015
Date included on list	06/08/2020
Date included on unsuccessful list	
date listing expires	06/08/2025

Evidence provided for ACV listing

Jubilee Green is a safe play area with regularly inspected play equipment as well as having benches and tables for quiet seating and picnics. It is well maintained by the parish council which has rights to rent it in perpetuity from Harborough District Council.

If HDC ever decided to sell this property, then the parish council would want to ensure it is used for the same purposes as now.

Walls on two sides (west and south), fencing and hedges on the other two sides (north and east).

Justification for inclusion on list

The Jubilee Green is within the area of Harborough District and has been nominated by Kibworth Harcourt Parish Council in accordance

with the Localism Act S81. The PC have requested that the site continues to be listed as part of the 5 year review.

The use of the asset of for play and recreation and is therefore in accordance with the criteria for listing as an Asset of Community Value. The site was featured in Michael Woods Story of England.

It is reasonable to assume that of purchased by the Parish Council, the land would be held for the enjoyment and recreation of the community.

Kibworth Windmill (reviewed 2020)	Kibworth H 3	18th century post mill	Status	(1) Successful Listing
			Nomination Date	06/06/2015
			Date included on list	22/07/2020
			Date included on unsuccessful list	
			date listing expires	21/07/2025

Evidence provided for ACV listing

The mill is owned by The Society for the Protection of Ancient Buildings (SPAB) though it sits on privately owned land of Windmill Farm, owned by BJ Briggs & Son. This lovely old building is a Post Mill, the earliest type of European windmill, meaning it sits on a single low base upon which the rest of it pivots. Kibworth Harcourt was built in the 18th century and is the last surviving Post Mill in Leicestershire.

The windmill is currently open on specific days during the year and entrance is free. The parish council would wish to continue to ensure it is open for the community when convenient to Mrs Briggs who lives in the house next door.

The windmill sits on a patch of grass in the curtilage of Windmill Farm. The attached Google view shows the area of the mill edged in red.

2020 SPAB press release - The SPAB has embarked on a second building repair project. This will revive the outstanding historic post mill at Kibworth Harcourt in Leicestershire. Kibworth is notable as the location for Michael's Wood's series, the Story of England, currently showing on BBC4, in which the mill features.

The majority of the mill dates back to 1711 or earlier and its interior is covered in the graffiti of millers who've worked there it in the past. Classified as a Scheduled Ancient Monument and a Grade II* listed building, Kibworth is the only surviving post mill in Leicestershire so it stands as an important part of local and national milling heritage.

The mill has been in SPAB ownership for over 80 years and now needs gentle repair to bring it back into light use. It is currently without sails as those made for it in the 1970s have had to be removed and are beyond repair. The SPAB plans to make four new ones and also to replace the mill's damaged weatherboarding. The windmill's trestle, the wooden beams it sits on, also requires some delicate in situ repair.

The SPAB will soon be providing reports, blog posts and videos on the project. This will include explanation of our planning, including the bat surveys and expert millwrighting and engineering input needed to devise proposals, as well as updates on the work when it begins.

Through the SPAB's planned interventions, the mill will become operational for the first time since the 1930s. The work will be costly and is only possible through a generous legacy left to the SPAB for mill repair. Further donations are sought to ensure the project can be completed. If you are able to help, please contact development@spab.org.uk.

The SPAB would like to thank Terra Measurement Ltd for digitally surveying the mill. They have provided valuable data that will play a large part in the repair process, and some beautiful images. You can watch a 3S laser scan survey of the mill made by Terra Measurement. Thanks also go to Cambridgeshire Windmills Consultancy for preparing an expert schedule of works and to the local and national volunteers of the SPAB's Mills Section who have assisted the Society with the building's care and project planning.

Please note that the mill is located on private land, and can be visited by appointment.

Justification for inclusion on list

The windmill is within the district of Harborough and has been nominated by the Kibworth Harcourt Parish Council. It has therefore been

nominated in accordance with the Localism Act.

The building furthers the social interests of the community because it is a valued historic asset and is open to the public at certain times.

SPAB have announced funding and a project to renovate the Mill and a 3D laser survey has been undertaken.

The primary function of the building is an an historic asset, and it is reasonable to think that this use will continue if purchased by the Parish Council.

Lubenham

**Coach and Horses
Public House, Lubenham
(relisting)**

Lubenham2a

**Public House and beer
garden**

Status	(1) Successful Listing
Nomination Date	11/11/2022
Date included on list	30/05/2023
Date included on unsuccessful list	
date listing expires	29/05/2028

Evidence provided for ACV listing

Section 5 – Supporting Statement

The Coach and Horses is a focal point that has recently been a village employer employing kitchen staff, waitresses and bar staff, the majority of which come from the village, or very near to it. As well as using local businesses for supplies and services, which contribute to the local economy, the Coach and Horses provides many social benefits.

Employment and Economic Benefit

The Coach and Horses is an invaluable source of employment within the village, particularly for young people starting out in employment, many employees (past and present) have been introduced to their first experience of paid employment by working there, while there is also an ideal opportunity for a variety of opportunities for retirement employment, flexible employment to fit in with family commitments within walking distance.

Those employed there have the opportunity to learn the essentials of employment, punctuality, reliability, team commitment and customer care skills, as well as the essentials of dealing with financial transactions and catering skills, they have the opportunity to further their careers by undertaking associated apprenticeships or further training in associated trades or to use the experience as a stepping stone to further education or university courses. Such opportunities and experience cannot be underestimated.

Social Benefit

As well as contributing to employment and the village economy, the Coach and Horses provides a focal point and meeting place for village fundraising groups which give an opportunity for newcomers to intermix with established groups to encourage integration and ensure continuity. Lubenham is a community that is very much built on volunteering and past fundraising, it benefits very much from the past input of volunteers. The Coach and Horses is used for community meetings such as the Lubenham Scarecrow group, Lubenham Raiders (a cycling group), Lubenham Allotment Group and the Gartree Action group.

It would be unfair not to include the traditional functions of a public house, an opportunity to drink, eat and socialise in our local community, within walking distance of our homes which is very much valued and appreciated. The building also sits on the A4304 making it an ideal stop off point for refreshment for people travelling through the village, serving the traditional purpose as a coaching inn. The current Landlord has just left, any new tenant, alongside maintaining a quality menu and excellent beer, might restart the skittles and darts teams as these have been popular recent activities. In the past the venue has been used to hold very successful music nights (jammin') which provided an opportunity for young musicians to show off their skills and provided interesting and varied entertainment. As well as being a valued venue, the Coach and Horses is an imposing historical property which dates from at least 1700, according to a brick on the front of the building. The building has a good deal of history, formerly called the White Swan. An 1879 sales catalogue lists facilities typical of a coaching inn – stables, loose box, blacksmiths shop, forge, carriage yard and small paddock. It would have been an important stop on the turnpike road. Inside, a beam behind the bar reads 'Happy the house the goods wherof excel when the owners godly and gotten well. WS HC 1610'

In order to maximise the benefits both to the community and present and future tenants, and ultimately to their own benefit, the owners of the premises, Everards Brewery should consider carefully this registration and how they interact with and support the wider Lubenham community in the future.

Justification for inclusion on list

Eligible nominators are set out in Section 89(2)(b) of the Localism Act which provides that it must be made by one of the following:-

- (i) a parish council in respect of land in England in the parish council's area,
- (ii) a community council in respect of land in Wales in the community council's area, or
- (iii) a person that is a voluntary or community body with a local connection. :

Lubenham Parish Council is eligible to nominate the Coach and Horses Public House.

Officers have considered the nomination and are satisfied that the principal use of the asset as detailed in the map accompanying the nomination does further the social well-being, or cultural recreational or sporting interests of the local community and it is realistic to think there can continue to be non-ancillary use of the building/land which will further the social interest of the local community. Therefore, it can be accepted, in accordance with Section 88 (1) of the Localism Act 2011.

In the opinion of the Local Authority the Coach and Horses Public House as submitted should be listed as an Asset of Community Value for the next 5 years

Lubenham All Saints Church of England Primary School Buildings (review 2023)

Lubenham 5a

Primary school

Status	(1) Successful Listing
Nomination Date	13/03/2023
Date included on list	06/06/2023
Date included on unsuccessful list	
date listing expires	05/06/2028

Evidence provided for ACV listing

The school is usually at the heart of the community, it has often been said that a village without a school is a village without a heart.

Having a school in the village cuts down on vehicle travel as it is reachable on foot by the entire village. This is very important for the environment and sustainability.

The School and the education that it provides are important for young families, not only for the education but as a focal point for meeting similar parents from the area. Parents who meet up through the school can help one another through mutual support. Children mix with their peer groups and often form lifelong friendships. Many friendships are made among parents at the school gate and through attending events and through supporting the school as PTA members or school governors.

The school field is essential to the running of the school as it provides the essential open space for sports and outdoor play, essential to the general curriculum. It also provides opportunities for outdoor learning in a fun and different way which encourages team working, problem solving and enhances communication skills. Outdoor learning boosts physical and mental health and brings variety to the school day.

The playing field is important for providing space for events that help to raise money for the school, such as fetes and barbeques.

The school was built in 1858 and it has been extended in 2007. It has been in the village for a long period of time. Lubenham Primary school is an excellent school with a good Ofsted rating and currently has a lovely playing field with a wildlife pond, chickens and a vegetable patch where children can learn all about wildlife, animals, food and produce. The school has a 'Before and after school club' which is beneficial for the working parents and carers in the Parish and it would be beneficial for the village to keep it as a school. Other facilities include a kitchen where they prepare and cook hot food at meal times.

The primary school in Lubenham is suitable for listing of an asset of community value being within the District Parish boundary and nominated by Lubenham Parish Council. The school is a vital part of the community and being a school, the current primary use of the asset is to continue to develop the social wellbeing, cultural activities and to bring a sense of belonging to the village. This school is an essential part of surrounding villages of Lubenham, Marston Trussell and Gartree. Parents who live in Market Harborough and surrounding villages often choose to send their children to Lubenham School.

The building is also noted in the Parish Councils Neighborhood plan and Emergency Plan

Justification for inclusion on list

Lubenham Parish Council has nominated the Lubenham All Saints Church of England Primary School. The Parish is within the boundary of

The nomination form has indicated that the activity of the school furthers the social well being and cultural activities of the school. The school diary also indicates extra curricular and weekend events such as 'Family Bedtime Story' the Christmas Fayre.
The use of the school as an educational establishment is a non acillary use.
The nominating Body have indicated that if the school were to be purchased then it would continue as an educational.
The school does not fall into the exempt categories.

Lubenham All Saints Primary School Playing Field (review 2023)

Lubenham 5b

School Playing Field. Listed as unsuccessful asset after review

Status	(2) Unsuccessful Listing
Nomination Date	13/03/2023
Date included on list	
Date included on unsuccessful list	06/06/2023
date listing expires	05/06/2028

Evidence provided for ACV listing

Justification for inclusion on list

Consideration

I have taken account of your comments regarding the use of the Property, specifically the extra curricular activities and the use of the school playing field and your view that neither use fulfils the definition of an asset of community value as set out in Section 88 of the Act.

The Corporate Director (Norman Proudfoot) considering the nomination took into account the submission that the activity of the school furthers the social well being and cultural activities of the school, and that the school's diary also indicated that weekend events such as 'Family Bedtime Story' and the Christmas Fayre took place.

The Council has next to consider, whether in its opinion, a use which was non-ancillary took place, that furthered the social wellbeing or interests of the community.

The Corporate Director (Norman Proudfoot) who considered the nomination concluded that it did.

Your submission states that the use of the school and the playing field for weekend events does not meet the definition of an asset of community value and that any extra curricular activities that took place are school fundraising activities and do not benefit the local community. You further submit that, even if the School Building were listed, the playing field should not be listed as it is for private use and there is no public access.

Conclusion

I have taken into account the above submission and also viewed the school diary via the website, which refers to the extra curricular activities. Having taken these matters into account the Council remains satisfied with the assessment that the School Building shall remain listed as an asset of community value. However, upon reconsideration of the submission of the Nominating Body and your submissions the Council finds that there has been insufficient evidence to show that there has been any non-ancillary use of the playing field to justify it being listed as an asset of community value. The playing field is therefore removed from the Register for the reasons set out.

Lutterworth

Crescent Road Allotments (reviewed 2020)

Lutterworth 3

Allotment site leased by HDC to Lutterworth Town Council

Status	(1) Successful Listing
Nomination Date	22/12/2014
Date included on list	07/07/2020
Date included on unsuccessful list	
date listing expires	07/07/2025

Evidence provided for ACV listing

The Crescent Rd site has been used as allotments for around 30 years. It is conveniently located for residents and generally fully occupied. It is operated in conjunction with the larger, De Verdon Rd, allotment site. If that site is, as expected, to be redeveloped, Crescent Rd will be vitally important, especially as replacement sites for De Verdon Rd are being considered in out-of-town locations. In particular Crescent Rd would be the allotment site of choice for those with mobility or accessibility problems.

A full list of tenants has been provided by LTC as part of the listing information in 2020.

Justification for inclusion on list

The Crescent Road Allotment site fulfils the criteria to enable it to be listed as an Asset of Community Value.

An allotment site can be considered to fulfil the communities need for recreation for the purposes of provision of open space. It has recently, and continues to be, used by the community for social community and recreational use, it is within the area of Harborough District Council and has been nominated by the Lutterworth Town Council which is a relevant body under the Localism Act S81. Lutterworth Town Council has provided evidence of the continued requirement for allotment provision in Lutterworth through the Lutterworth Allotments Joint Working Party. The first listing expired in February 2020. There is no reason to consider that the circumstances of the Crescent Road allotment have changed and the Town Council have requested that the listing is extended. The site is fully tenanted with a waiting list, demonstrating the importance of the community of retaining the allotment site. It is proposed the listing is extended until 2025.

Mowsley

Staff of Life Car Park, Mowsley	Mowsley1b	Car park to the Staff of Life Public House	Status	(2) Unsuccessful Listing
			Nomination Date	15/06/2022
			Date included on list	
			Date included on unsuccessful list	14/11/2022
			date listing expires	13/11/2027

Evidence provided for ACV listing

The Staff of Life, situated in the village of Mowsley, is a village pub which had an enviable reputation for outstanding food. It attracted many visitors and groups from outside the village as well as being the focal point of many village-based activities. Later in this submission you will see evidence of these activities.

The Staff of Life pub is currently closed and has been so since just before the start of the Coronavirus pandemic. The closure was as a result of a series of tragic events.

The pub was owned by Spencer and Linda Farrell. They lived at the pub and were very much part of village life. Unfortunately, in December 2017, Spencer had a heart attack whilst at the premises and died. His wife took over the running of the pub but within a year of Spencer's death she was diagnosed with cancer. Some 2 years ago she too unfortunately passed away, leaving behind their only son, Callum, who at the time was 11 years old. This coincided with the arrival of the pandemic and the pub has been closed ever since. It has been marketed since early January 2021 but to date no Buyer or Tenant has been found.

A number of Parish Meetings have been held during the time that the pub has been closed and at the last Parish Meeting held on 12 January 2022 it was agreed to set up a Working Party to (a) consider how the village might run the pub in the future and (b) to obtain the necessary evidence to submit an application for the pub to be listed as an Asset of Community Value.

Given that Mowsley is a Parish Meeting and not a Parish Council a list of 21 individuals who support this application is attached at Appendix 4. From various meetings we are very aware that significant support exists within the village for this application but our understanding is that we are required only to detail the names and addresses of 21 individuals at this point of the process.

Many Leicestershire residents know the village of Mowsley simply because of the existence of the pub. We have already indicated that the pub had an enviable reputation – recommended by both the AA and Good Food Guide for over a decade for food and wine. This reputation is a source of great pride for the village.

The pub is seen by the village as having significant social value for the local community.

It acts as a focal centre for many of the village residents not only as a place for residents to meet but also as a meeting place for the various societies and clubs that exist or existed in the village, including a Cricket Club, a Book Club and the Mowsley Investment Club.

The village is mindful that in order to have the pub listed as an Asset of Community Value it must demonstrate that the pub adds value to the local community.

During recent years the pub has held many village-based events:

- The local Mowsley band – The Wondering Mowselberries visited the pub on a regular basis. Other local bands regularly played at the pub attracting a great turnout from local residents. A photograph of The Wondering Mowselberries playing at the pub is included at Appendix 3.
- On an annual basis the Braybrooke Morris dancers visited the pub in July and August and had done so since 2014. Photographs of them at the pub are included at Appendix 3.
- A small television screen was made available for local residents to come together to watch many of the high-profile sporting events including International Rugby and Football fixtures.
- Irregular, but not infrequent, karaoke nights, along with various quiz evenings, were also held usually for the benefit a local charity. Details of some of these events are included at Appendix 3.
- Hallowe'en and Christmas Carol tours of the Village would also finish at the pub for refreshments etc
- A weekly early evening facility was provided for Mums and Toddlers in the village at a discounted rate.

Various local clubs and societies met regularly at the pub. These include:

- The local cricket club, the Laughton and Mowsley Cricket Club. At Appendix 3 there is a confirmation statement from the club president, John Thorpe who is one of the oldest residents of the village.
- The Mowsley Investment Club. At Appendix 3 there is a confirmation statement from Tony Youngjohns, treasurer to the Club.
-
- A Staff of Life-based golf society. At Appendix 3 there is a confirmation statement from Bob Blair – founder member of the golf society.
- The local shooting society. Unable to contact at this time
- The pub also was a regular stopping off point for local (and wider afield) walking, rambling and cycle groups.

The village has also sought the support of our local ward members, Stephen Bilbie and Charmaine Wood. Their supportive response to this application is included later in this submission.

The village has further sought the support of County Councillor, Blake Pain, who is very aware of the tragic circumstances behind the pub's closure. Blake's supportive response is also included later in this submission.

The village is in the early stages of formulating a business plan to purchase the pub and manage the asset into the future. There is potentially considerable financial support within the village for the pub to be run as a Community Asset. Currently, the village has identified a number of alternative proposals but at the moment it is understood that the executors of the Linda Farrell's Estate and the Mortgagees are unclear as to what the asking price for the pub should be and therefore the village's plans may have to be revised.

Justification for inclusion on list

The nomination has been received from the Mowsley Parish Meeting. The nominating body operates wholly within the Parish of Mowsley for

the benefit of the community. The nomination has provided a list of 28 names from within or around the Parish that support the nomination of the public house.

Eligible nominators are set out in Section 89(2)(b) of the Localism Act which provides that it must be made by one of the following:-

- (i) a parish council in respect of land in England in the parish council's area,
- (ii) a community council in respect of land in Wales in the community council's area, or
- (iii) a person that is a voluntary or community body with a local connection. :

Mowsley Parish Meeting fulfils the local connection as set out in (iii) above.

Regulation 5 (1)(c) provides that a voluntary or community body means:-

- (a) a body designated as a neighbourhood forum pursuant to section 61F TCPA 1990;
- (b) a parish council but no other public or local authority²⁸⁹ ;
- (c) an unincorporated body with at least 21 individual local members which does not distribute any surplus to its members;
- (d) a charity;
- (e) a company limited by guarantee which does not distribute any surplus it makes to its members;
- (f) an industrial and provident society which does not distribute any surplus it makes to its members; or
- (g) a community interest company

In the St Gabriel Properties case Warren J stated that ““Unincorporated body” is a broad term which includes community groups of many descriptions.” (para. 21) and reiterated that there was no need for a written constitution.

As unincorporated associations can come into existence in informal circumstances without a written constitution particularly with campaign groupings as illustrated by the decision in Williams v Devon CC, it would seem that there should in practice be little scope for groups which are not unincorporated associations but claim to be entitled to have the status to make a community nomination.

In the Trustees of the J Marshall Limited SSAS v Arun DC CR/2016/0025 Judge Lane applied the normal dictionary meaning of a body which is an “organised group of people with a common function”. This includes an unincorporated association but is not limited to it and does not have to arise from a contractual relationship. It is enough that a number of individuals come “together to further a matter of common interest”.

The list of residents provided can therefore be deemed to have reasonably demonstrated that the community body is eligible to submit a nomination as an unincorporated community body with at least 21 individual local members.

To be eligible as an Asset of Community Value the nominated land or building will be considered to be of community value if:

“in the opinion of the authority

- its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and
- that use is not an ancillary one; and
- for land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and
- it does not fall within one of the exemptions which we will be putting in regulations, e.g. residential premises and land held with them.

“Social interests” are defined to include cultural, recreational and sporting interests

The nominating body has provided evidence of use by local clubs (Laughton and Mowsley Cricket Club, Staff of Life Golf Society) in addition to the Mowsley Investment Club. Evidence has also been provided for Quiz Nights, Morris Dancing and support has been received

from local Councillors for nomination of the Staff of Life as an ACV.

The public house has been closed for two years because of COVID and the death of the owner. However, it is reasonable, in these circumstances, to take two years as 'recent past' and the evidence provided demonstrates that the pub has provided for the social wellbeing and interests of the local community within that timescale.

The use of the public house by the above community groups can reasonably be taken as non-ancillary to the use of the asset as a public house. The cricket club has stated that they use the pub for the majority of the social functions including out of season social events and AGM. The Pub facebook pages show a weekly supper club and regular music and quiz nights. The frequency of events can reasonably demonstrate that they are non-ancillary to the use of the asset as a public house.

The evidence provided demonstrates that the actual recent use of the pub and the garden have furthered the social interests of the community.

The evidence provided by the nominating body demonstrates that there is a realistic chance that the pub could reopen as a community pub if the asset were sold. A working group has been set up and the submission states that a number of community members have pledged contributions to reopen the pub.

The Staff of Life does not fall into any of the exempt categories

The nominated asset is for the public house, garden and car park. Challenges have been received by the Council on other ACV nominations concerning the inclusion of car parks and whether they further the social wellbeing and recreational interests of the community. There is no evidence provided that the car park has been used for other than car parking. The car park is not an integral part of the main use of the property as a public house and can be considered subordinate to the main use of the building. This is not to suggest that the car park is unimportant to the pub but at this time there is no evidence provided that the car park itself satisfies the requirement of s88 (1)a of the Localism Act. Which states:

requirement of s88 (1)a of the Localism Act. Which states:

an actual current use [or recent use] of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community

Staff of Life public House and Garden, Mowsley

Mowsley1a

public house and garden

Status	(1) Successful Listing
Nomination Date	15/06/2022
Date included on list	14/11/2022
Date included on unsuccessful list	
date listing expires	13/11/2027

Evidence provided for ACV listing

The Staff of Life, situated in the village of Mowsley, is a village pub which had an enviable reputation for outstanding food. It attracted many visitors and groups from outside the village as well as being the focal point of many village-based activities. Later in this submission you will see evidence of these activities.

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Justification for inclusion on list

The nomination has been received from the Mowsley Parish Meeting. The nominating body operates wholly within the Parish of Mowsley for

the benefit of the community. The nomination has provided a list of 28 names from within or around the Parish that support the nomination of the public house.

Eligible nominators are set out in Section 89(2)(b) of the Localism Act which provides that it must be made by one of the following:-

- (i) a parish council in respect of land in England in the parish council's area,
- (ii) a community council in respect of land in Wales in the community council's area, or
- (iii) a person that is a voluntary or community body with a local connection. :

Mowsley Parish Meeting fulfils the local connection as set out in (iii) above.

Regulation 5 (1)(c) provides that a voluntary or community body means:-

- (a) a body designated as a neighbourhood forum pursuant to section 61F TCPA 1990;
- (b) a parish council but no other public or local authority²⁸⁹ ;
- (c) an unincorporated body with at least 21 individual local members which does not distribute any surplus to its members;
- (d) a charity;
- (e) a company limited by guarantee which does not distribute any surplus it makes to its members;
- (f) an industrial and provident society which does not distribute any surplus it makes to its members; or
- (g) a community interest company

In the St Gabriel Properties case Warren J stated that ““Unincorporated body” is a broad term which includes community groups of many descriptions.” (para. 21) and reiterated that there was no need for a written constitution.

As unincorporated associations can come into existence in informal circumstances without a written constitution particularly with campaign groupings as illustrated by the decision in Williams v Devon CC, it would seem that there should in practice be little scope for groups which are not unincorporated associations but claim to be entitled to have the status to make a community nomination.

In the Trustees of the J Marshall Limited SSAS v Arun DC CR/2016/0025 Judge Lane applied the normal dictionary meaning of a body which is an “organised group of people with a common function”. This includes an unincorporated association but is not limited to it and does not have to arise from a contractual relationship. It is enough that a number of individuals come “together to further a matter of common interest”.

The list of residents provided can therefore be deemed to have reasonably demonstrated that the community body is eligible to submit a nomination as an unincorporated community body with at least 21 individual local members.

To be eligible as an Asset of Community Value the nominated land or building will be considered to be of community value if:

“in the opinion of the authority

- its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and
- that use is not an ancillary one; and
- for land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and
- it does not fall within one of the exemptions which we will be putting in regulations, e.g. residential premises and land held with them.

“Social interests” are defined to include cultural, recreational and sporting interests

The nominating body has provided evidence of use by local clubs (Laughton and Mowsley Cricket Club, Staff of Life Golf Society) in addition to the Mowsley Investment Club. Evidence has also been provided for Quiz Nights, Morris Dancing and support has been received

from local Councillors for nomination of the Staff of Life as an ACV.

The public house has been closed for two years because of COVID and the death of the owner. However, it is reasonable, in these circumstances, to take two years as 'recent past' and the evidence provided demonstrates that the pub has provided for the social wellbeing and interests of the local community within that timescale.

The use of the public house by the above community groups can reasonably be taken as non-ancillary to the use of the asset as a public house. The cricket club has stated that they use the pub for the majority of the social functions including out of season social events and AGM. The Pub facebook pages show a weekly supper club and regular music and quiz nights. The frequency of events can reasonably demonstrate that they are non-ancillary to the use of the asset as a public house.

The evidence provided demonstrates that the actual recent use of the pub and the garden have furthered the social interests of the community.

The evidence provided by the nominating body demonstrates that there is a realistic chance that the pub could reopen as a community pub if the asset were sold. A working group has been set up and the submission states that a number of community members have pledged contributions to reopen the pub.

The Staff of Life does not fall into any of the exempt categories

The nominated asset is for the public house, garden and car park. Challenges have been received by the Council on other ACV nominations concerning the inclusion of car parks and whether they further the social wellbeing and recreational interests of the community. There is no evidence provided that the car park has been used for other than car parking. The car park is not an integral part of the main use of the property as a public house and can be considered subordinate to the main use of the building. This is not to suggest that the car park is unimportant to the pub but at this time there is no evidence provided that the car park itself satisfies the requirement of s88 (1)a of the Localism Act. Which states:

requirement of s88 (1)a of the Localism Act. Which states:

an actual current use [or recent use] of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community

Scraptoft

Scraptoft Co-Op and Post Office (Reviewed 2020/21)

Scraptoft 1

shop and post office

Status	(1) Successful Listing
Nomination Date	15/06/2015
Date included on list	07/08/2015
Date included on unsuccessful list	
date listing expires	07/08/2025

Evidence provided for ACV listing

Only supermarket and post office in the village. Much needed and used infrastructure for the rapidly increasing population of Scraptoft with all the new and ongoing housing development

Retain as is for the community if purchased.

Justification for inclusion on list

This asset has been nominated by Scraptoft Parish Council which is a qualifying body; it is within the boundaries of Harborough District and

furtheres the social wellbeing and social interests of the community.

The Parish Council have indicated that they wish to retain the asset as a retail outlet and post office.

At the 5 year review the Coop and Car Park evidence has been reassessed. The evidence provided demonstrates that the Coop and Post Office furtheres the social wellbeing/interests of the local community and is likely to do so in the future.

The evidence does not provide information as to why the the inclusion of the car park within the ACV boundary furtheres the social wellbeing of the community it serves. The car park should therefore be removed from the listing of the Coop and Post Office as and Asset of Community Value.

The site is unregistered at Land Registry, but will be listed with HDC Land Charges.

Scraptoft Village Hall (Reviewed 2020/21)	Scraptoft 3	village hall	Status	(1) Successful Listing
			Nomination Date	15/06/2015
			Date included on list	07/08/2015
			Date included on unsuccessful list	
			date listing expires	07/08/2025

Evidence provided for ACV listing

The only public building in the village for holding meetings, events etc.

Retain for the use of the community if purchased

Justification for inclusion on list

The Village Hall Scraptoft fulfils the criteria for listing as an asset of community value.

It is within the boundary of Harborough District and has been nominated by Scraftoft Parish Council. The Village Hall fulfils the social well being and scocial interest of the community. It is also reasonabe to think that the asset will continue to fulfil these functions in the future.

At the five year review it is evident that the circumstances of the Village Hall have not substantially changed. The Hall provided for the social, health and wellbeing of the community and it is recommended that the listing continues for a further five years.

The village hall is not registered at Land Registry, but the listing will be available through Land Charges register

**The White House
(Reviewed 2020/21)**

Scraptoft 2

public house and restaurant

Status	(1) Successful Listing
Nomination Date	15/06/2015
Date included on list	07/08/2015
Date included on unsuccessful list	
date listing expires	07/08/2025

Evidence provided for ACV listing

The only local pub with additional space for wedding receptions etc. Extensively used by the community.

Retain as the local pub if purchased.

The boundary is marked with fencing to the sides and rear and the frontage, including the car park, is bordered by the highway.

Justification for inclusion on list

The White House pub fulfils the criteria for listing as an Asset of Community Value.

It has been nominated by Scraptoft Parish Council and is within the boundary of Harborough District. The White House currently fulfils the social interests of the community and it is reasonable to think that the asset will continue to fulfil this function.

At the five year review the evidence provided has been reassessed. The White House public house evidence is sufficient for listing as the use of the building as a public house furthers the social wellbeing of the community and meets the legislation.

The Parish Council provided a statement that the White House car park is the start of the Palm Sunday parade each year, although no actual evidence has been provided or found through a search of the web.

Scraptoft Joggers use the White House car park as the start and finish of their runs and evidence has been found online to support this.

In the light of the evidence of community use and value placed on the White House and car park it is recommended that the listing remain unchanged for a further five years.

South Kilworth

The White Hart Public House adjacent field	South Kilworth 1b	field adjoining public house	Status	(2) Unsuccessful Listing
			Nomination Date	07/03/2019
			Date included on list	
			Date included on unsuccessful list	20/04/2019
			date listing expires	19/04/2024

Evidence provided for ACV listing

The Pub has always been an important part of the life of South Kilworth; with a new landlord and family the importance to the village community has grown.

Events

- Live music events are often hosted at the pub which brings the community together. This contributes to the local area's culture.

The pub hosts parties for the village at special times of the year. This allows people in the community to come together to enjoy such events - providing a safe place to enjoy a drink including vulnerable members of society.

The pub hosts advertising for local events which encourages the community to come together to support local businesses.

- There are televisions screening sporting events enjoyed by patrons. This allows people in the community to come together to enjoy specific sporting events - providing a safe place to enjoy a drink and a specific sporting event for vulnerable members of society.
- The pub hosts a regular quiz night which brings people together from a variety of different backgrounds; furthering the recreational interests of the community.
- A local beer festival offering a range of local beers is hosted at the pub. This helps support local businesses as well as bringing people from the community together .
- The pub hosts a karaoke night which is enjoyed by people in the community
- The pub regularly takes part in events which raise money for local charities

Facilities available

- There is a beer garden attached to the pub which is used and enjoyed by local people including families. This is particularly enjoyed in the summer months and brings different groups of people together.
- A children's play area for local families is available at the pub
- The pub adjoins a sports field and users share the pub's facilities. This not only encourages local residents to take pride in their local area, but also provides more custom for the pub and allows people from different backgrounds to mix together.
- The pub has a great food menu enjoyed by the local community The Pub willingly supplies 'Take Aways' and also delivers meals from the pub menu on request to village residents
- Free wifi is available for customers which allows people to access the internet that otherwise would not be able to. The pub therefore provides a vital facility for people wanting to use the pub for more than just a social event.
- There is free parking available which is accessed by the wider community. This allows people to get to/from the pub safely when transport systems may be down. It also means that families can access the pub easily.

- There is good access for disabled people at the pub. This provides an easily accessible and inclusive space to meet with other members of the local community and provides a safe and enjoyable environment to be in furthering the persons individual wellbeing.
- A meeting space is available for local community groups and charities to use.
- The pub offers games such as a table skittles table, a dart board, quiz machine, a pool table and board game which are enjoyed by the community.
- The pub enables local people to enjoy a range of drinks (and food) in a pleasant, convivial atmosphere, which furthers their individual well-being.
- There are transport links available to/from the pub. This means that elderly members of the community can easily and safely get to/from the pub. It also means that people from surrounding areas can easily access and enjoy the pubs facilities.

Awards

The pub has won a local award for the pubs services to the community

The pub has been included in a tourist and local pub guide, which attracts more people to the pub from surrounding areas and communities which helps boost the local economy. It also puts the pub on the map as a pub worthy of recognition from the Council.

The pub has been included in CAMRA's Good Beer Guide. CAMRA's good beer guide is a renowned book for promoting only the best local pubs.

This pub is a member of CAMRA's LocAle, committed to serving locally produced real ales and meeting consumer demands for local produce

The pub has won an award for its commitment to raising money for local charity (LOROS)

Other ways the pub adds value to the community

The pub sponsors various teams which represents it in sports leagues furthering the sporting interests of the community

The pub has special value to local heritage and culture which should be protected. The pubs heritage forms an important part of the community's historic and cultural identity. This furthers the cultural interest of the community, as traditional pubs of architectural value are becoming rarer.

The pub provides training and development for employees which is increases individual wellbeing and supports people's professional development

There are no other facilities in the area that provide the array of activities that this specific pub does

The pub enables local people to enjoy a range of drinks (and food) in a pleasant, convivial atmosphere, which furthers their individual well-being

- The pub enables local people to meet and socialise in a welcoming environment which, individually, they find rewarding and enjoyable. Such social interaction is also in the interests of the locality as a whole as it encourages community cohesion and a collective sense of well being.
- This is the only pub in the village

Pubs and Wellbeing report

New research from Oxford University shows that people who have a 'local' pub are happier, are more satisfied with their life and have a wider network of friends.

Justification for inclusion on list

The asset was nominated with the White Hart Public House by the non constituted community group of at least 21 persons. It is within the

HDC area and is therefore a valid nomination.

There is insufficient evidence that the adjoining land furthers the social well being or recreational interests of the community. The asset owner has stated that the field will be fenced from the public house to restrict access. No evidence of play equipment or dining tables on the field was available at the time of the site visit.

Any use is considered ancillary to the functioning of the White Hart as a public house. It is not applicable to consider whether the use will continue as the use is ancillary.

The asset is not in any of the exempt categories

The White Hart, South Kilworth (excluding adjacent field)

South Kilworth 1a

operational public house and garden

Status	(1) Successful Listing
Nomination Date	29/01/2024
Date included on list	03/04/2024
Date included on unsuccessful list	
date listing expires	02/04/2029

Evidence provided for ACV listing

The Pub has always been an important part of the life of South Kilworth; with a new landlord and family the importance to the village community has grown.

Events

- Live music events are often hosted at the pub which brings the community together. This contributes to the local area's culture.

The pub hosts parties for the village at special times of the year. This allows people in the community to come together to enjoy such events - providing a safe place to enjoy a drink including vulnerable members of society.

The pub hosts advertising for local events which encourages the community to come together to support local businesses.

- There are televisions screening sporting events enjoyed by patrons. This allows people in the community to come together to enjoy specific sporting events - providing a safe place to enjoy a drink and a specific sporting event for vulnerable members of society.
- The pub hosts a regular quiz night which brings people together from a variety of different backgrounds; furthering the recreational interests of the community.
- A local beer festival offering a range of local beers is hosted at the pub. This helps support local businesses as well as bringing people from the community together .
- The pub hosts a karaoke night which is enjoyed by people in the community
- The pub regularly takes part in events which raise money for local charities

Facilities available

- There is a beer garden attached to the pub which is used and enjoyed by local people including families. This is particularly enjoyed in the summer months and brings different groups of people together.
- A children's play area for local families is available at the pub
- The pub adjoins a sports field and users share the pub's facilities. This not only encourages local residents to take pride in their local area, but also provides more custom for the pub and allows people from different backgrounds to mix together.
- The pub has a great food menu enjoyed by the local community The Pub willingly supplies 'Take Aways' and also delivers meals from the pub menu on request to village residents
- Free wifi is available for customers which allows people to access the internet that otherwise would not be able to. The pub therefore provides a vital facility for people wanting to use the pub for more than just a social event.
- There is free parking available which is accessed by the wider community. This allows people to get to/from the pub safely when transport systems may be down. It also means that families can access the pub easily.

- There is good access for disabled people at the pub. This provides an easily accessible and inclusive space to meet with other members of the local community and provides a safe and enjoyable environment to be in furthering the persons individual wellbeing.
- A meeting space is available for local community groups and charities to use.
- The pub offers games such as a table skittles table, a dart board, quiz machine, a pool table and board game which are enjoyed by the community.
- The pub enables local people to enjoy a range of drinks (and food) in a pleasant, convivial atmosphere, which furthers their individual well-being.
- There are transport links available to/from the pub. This means that elderly members of the community can easily and safely get to/from the pub. It also means that people from surrounding areas can easily access and enjoy the pubs facilities.

Awards

The pub has won a local award for the pubs services to the community

The pub has been included in a tourist and local pub guide, which attracts more people to the pub from surrounding areas and communities which helps boost the local economy. It also puts the pub on the map as a pub worthy of recognition from the Council.

The pub has been included in CAMRA's Good Beer Guide. CAMRA's good beer guide is a renowned book for promoting only the best local pubs.

This pub is a member of CAMRA's LocAle, committed to serving locally produced real ales and meeting consumer demands for local produce

The pub has won an award for its commitment to raising money for local charity (LOROS)

Other ways the pub adds value to the community

The pub sponsors various teams which represents it in sports leagues furthering the sporting interests of the community

The pub has special value to local heritage and culture which should be protected. The pubs heritage forms an important part of the community's historic and cultural identity. This furthers the cultural interest of the community, as traditional pubs of architectural value are becoming rarer.

The pub provides training and development for employees which is increases individual wellbeing and supports people's professional development

There are no other facilities in the area that provide the array of activities that this specific pub does

The pub enables local people to enjoy a range of drinks (and food) in a pleasant, convivial atmosphere, which furthers their individual well-being

- The pub enables local people to meet and socialise in a welcoming environment which, individually, they find rewarding and enjoyable. Such social interaction is also in the interests of the locality as a whole as it encourages community cohesion and a collective sense of well being.
- This is the only pub in the village

Pubs and Wellbeing report

New research from Oxford University shows that people who have a 'local' pub are happier, are more satisfied with their life and have a wider network of friends.

Justification for inclusion on list

The nomination is made by an unincorporated body with at least 21 members. Evidence of the membership and their addresses has been

provided.

It is the view of the Council that the public house furthers the social well being of the community and evidence has been provided of regular sporting events screened on television, quiz nights and beer festival. Further officer research on facebook and social media has indicated that the public house has been used to support community events.

The uses of the the public house are non ancillary to the use of the building as a public house. There is insufficient evidence that the field is used as a principal use of the public house and the field should be excluded from the designation.

If nominated it is realistic to think that the use as a public house and the support of community events will continue.

The building does not fall within the exempt categories.

White Hart Public House,
South Kilworth

South Kilworth 2

public house and car park

Status	(1) Successful Listing
Nomination Date	29/01/2024
Date included on list	04/04/2024
Date included on unsuccessful list	
date listing expires	03/04/2029

Evidence provided for ACV listing

The Pub has always been an important part of the life of South Kilworth; with a new Landlord and family the importance to the village community has grown. Events The pub hosts parties for the village at special times of the year. This allows people in the community to come together to enjoy such events - providing a safe space to enjoy a drink including vulnerable members of society. • There are televisions screening sporting events enjoyed by patrons. This allows people in the community to come together to enjoy a drink and enables sporting events to be shared by the community including by vulnerable members of society. • The pub hosts a regular quiz night which brings people together from a variety of different backgrounds; Furthering the recreational interests of the community. • A local beer festival offering a range local beers is hosted at the pub. This helps support local businesses as well as bringing people from the community together. • The hosts advertising for local events which encourages the community to come together to support local businesses. • Live music events are often hosted at the pub which brings the community together. This contributes to the local area's culture. • • The pub hoists a Karaoke night which is enjoyed by people in the community. • The pub regularly takes part in events which raise money for local charities. Facilities There is a walled beer garden attached to the pub which is used and enjoyed by local people including families. This is particularly enjoyed in the summer months and brings together different groups of people. • • The walled beer garden may also be used as a children's play area for • families of pub patrons. • The pub regularly has 'Street' food vans which are enjoyed by both the • local community and pub patrons. • The pub is happy for patrons to order food in. Free Wi-Fi is available for customers which allows people to access the internet that otherwise would not be able to. The pub therefore provides a vital facility for people wanting to use the pub for more than a social event. • • There is free parking available which is accessed by the wider community. This allows people to get to/from the pub safely when other transport forms are unavailable. It also means that families can access the pub easily and safely. • • There is good access for disabled people at the pub including the toilets. This provides an easily accessible and inclusive space to meet with other members of the local community and provides a safe and enjoyable environment to be in furthering the person wellbeing. • • A meeting space for local community groups and charities to use. The pub offers games such as table skittles, a pool table and board games which are enjoyed by the community. • • The pub enables local people to enjoy a range of drinks (and food) in a • pleasant, convivial atmosphere, which furthers their individual well- • being. There are transport links available to/from the pub. This means that elderly members of the community can easily and safely get to /from the pub. It also means that people from surrounding areas can easily access and enjoy the pubs facilities. It also encourages use of the local transport services. • Awards • The pub has won a local award for the pubs services to the local community • The pub has been included in a tourist and local pub guide, which attracts more people to the pub from the surrounding areas and communities which helps boost the local economy. It also puts the pub on the map as a pub worthy of recognition from the council. • • The pub has been included in CAMRA's Good Beer Guide. CAMRA's • good beer guide is a renowned book for promoting only the best local pubs. The pub is a member of CAMRA's LocAle, committed to promoting to serving locally produced real ales and meeting consumer demands for local produce. • • The pub has won an award for its commitment to raising money for a local charity (LOROS).

Other ways the pub adds value to the community The pub sponsors various teams which represent it in sports leagues furthering the sporting interests of the community. • • The pub has special value to local heritage and culture which should be protected. The pub's heritage forms an important part of the communities historic and cultural identity. This furthers the cultural interest of the community, as traditional pubs of architectural value are becoming rarer. • • The pub has a collection of photographs on display relating the history • of the pub in the village. The pub provides training, development and jobs for village people which increases individual wellbeing and supports people's professional development. • The pub enables all local people to meet and socialise in a welcoming environment which, individually, they find rewarding and enjoyable. Such social interaction is in the interests of the locality as a whole as it encourages community cohesion and a collective sense of well-being. • • This in the only pub in the village. Pubs and Wellbeing report New research from Oxford University shows that people who have a 'local' pub are happier, are more satisfied with their life and have a wider network of friends. • Public house where the village meet & socialise also the below are carried out here weekly/monthly. Gentlemen's Table Skittle Team Ladies Table Skittle Team 2 Gentlemen's Pool Teams Birdwatching Club Primary School PTFA Kilworth Korks Wasosk Society Village Lunch Club New

Justification for inclusion on list

The nomination has been received from an unconstituted community group in South Kilworth. The nominating body operates within the

Parish of South Kilworth and has been organised to make the nomination of behalf of the community. The nomination has provided a list of 21 names from within or around the Parish that support the nomination of The White Hart public house and can be considered eligible to make the nomination.

Eligible nominators are set out in Section 89(2)(b) of the Localism Act which provides that it must be made by one of the following:-

- (i) a parish council in respect of land in England in the parish council's area,
- (ii) a community council in respect of land in Wales in the community council's area, or
- (iii) a person that is a voluntary or community body with a local connection. :

Regulation 5 (1)(c) provides that a voluntary or community body means:-

- (a) a body designated as a neighbourhood forum pursuant to section 61F TCPA 1990;
- (b) a parish council but no other public or local authority²⁸⁹ ;
- (c) an unincorporated body with at least 21 individual local members which does not distribute any surplus to its members;
- (d) a charity;
- (e) a company limited by guarantee which does not distribute any surplus it makes to its members;
- (f) an industrial and provident society which does not distribute any surplus it makes to its members; or
- (g) a community interest company

Electoral Services have confirmed that the names on the list (are recorded on the Electoral Register in Harborough District.

In the St Gabriel Properties case Warren J stated that ““Unincorporated body” is a broad term which includes community groups of many descriptions.” (para. 21) and reiterated that there was no need for a written constitution.

Unincorporated associations can come into existence in informal circumstances without a written constitution particularly with campaign groupings as illustrated by the decision in Williams v Devon CC.

In the Trustees of the J Marshall Limited SSAS v Arun DC CR/2016/0025 Judge Lane applied the normal dictionary meaning of a body which is an “organised group of people with a common function”. It is enough that a number of individuals come “together to further a matter of common interest”.

The White Hart has been nominated by a local group of 21 persons (with a local connection) and the nomination states it is made by an unconstituted community group - which is considered to be an unincorporated body.

An ‘unincorporated body is an organisation set up through an agreement between a group of people who come together for a reason other than to make a profit (for example, a voluntary group or a sports club). Unincorporated associations/bodies do not need to be registered, a local action group formed specifically to make a community nomination qualified without a name for the group or a formal constitution or set of rules. Neither of those are requirements for a group of individuals to be an unincorporated association.

“unincorporated body” is to be construed as its ordinary dictionary meaning of an organised group of people with a common function

(6) Unincorporated body – Community nominations often comprise a group of local residents who have come together quickly and informally solely with regard to the particular asset such as a public house. In a number of cases this has led to the opposing owner seeking to challenge the nomination on the ground that such a grouping does not satisfy the eligibility requirements.

It might be argued that there is no qualifying unincorporated body in existence and so the nomination is invalid and an asset cannot be listed. Alternatively, it might be argued that the unincorporated body has not satisfied the eligibility requirements

What constitutes an unincorporated association?

Challenges to nominations on the ground that an unincorporated association does not exist have in the main failed in the First-tier Tribunal. It is, however, still necessary for groups to satisfy the eligibility requirements but any grouping of individuals should normally be accepted as constituting an unincorporated body.

What is clear is that the judges of the First-tier Tribunal favour a robust interpretation of the ACV regime and the statutory requirements relating to a community nomination. Formal and procedural obstacles to listing can be overcome and in cases in which the nominated asset qualifies as an ACV it should be listed. In particular it has been evident that arguments that campaigning groups do not constitute an unincorporated body will usually not succeed.

These decisions make it clear that to be an unincorporated body the group does not need

(a) a constitution;

(b) a name;

(c) a contract between the members;

to constitute an unincorporated association there should be membership which is comprehensively identifiable.

However there must be a "body" of individuals. It is not considered enough that a number of individuals only sign a document supporting the ACV listing of an asset such as a public house. There has to be some organisation so that the individuals are members of a "body". The nominating body has provided evidence that the signatories have come together for a common purpose of nominating the White Hart Public House as an ACV

The asset is considered to be of community value if:

"in the opinion of the authority

- its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and
- that use is not an ancillary one; and
- for land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and
- it does not fall within one of the exemptions which we will be putting in regulations, e.g. residential premises and land held with them.

"Social interests" are defined to include cultural, recreational and sporting interests

The nominating body has set out that the public house is well used by the community for meetings of the skittle teams, pools teams, birdwatching club, Primary School PTFA and other community groups.

Skittles and Pool teams have used the Pub as recently as this season and it is reasonable to consider that these uses can continue to be part of the pubs contributions towards the social wellbeing of the community.

Quiz nights are regularly held in the pub and a local beer festival helps to bring the community together.

Music and karaoke are listed as events that support the listing of the asset as an ACV.

The above can reasonably be considered to be non ancillary to the use of the asset as a public house.

The pub has won a number of awards which demonstrates local pride, In 2020 the occupier started a crowdfunding page to support the pub through lockdown. The crowdfunding raised nearly £4k and helped sustain the business through COVID. This demonstrates The White Hart is valued by the community

<https://www.crowdfunder.co.uk/p/we-will-survive/comments#start>

Chequers Inn, Swinford 2019 (review submitted 2024)	Swinford 3	Public House and garden	Status	(1) Successful Listing
			Nomination Date	01/03/2019
			Date included on list	19/04/2024
			Date included on unsuccessful list	
			date listing expires	18/04/2029

Evidence provided for ACV listing

The Chequers Inn is the only public house in the village of Swinford, a village that is increasing in population as new housing developments are completed.

The pub serves as a popular meeting place for villagers and those from the surrounding areas and it attracts visitors from the nearby Stanford Hall Caravan Park and those visiting Stanford Hall itself.

It was identified in the 2018 Swinford Neighbourhood Plan as a key asset for the village. The pub really is the hub of the village life providing a meeting place for a wide range of groups and activities as well as being the only place in the village to enjoy a meal or drink in a social environment. It is also the venue for a range of entertainment including live music, quizzes, bingo nights, children’s parties (Christmas, Easter etc), sporting events (pub games like darts and bar skittles), screening of key sports events (the Six Nations Rugby, Football Euro Finals etc) or even just the provision of board games for people to use.

The Chequers has been a regular in the Good Beer Guide for many years and is established as being a good place to have a typical pub meal out or a place to grab a takeaway pizza. In addition from Spring to Autumn the pub hosts regular visiting street food stalls (Greek, Indian, Mexican etc) which has proved very popular within the village – the food can be consumed within the pub or served as a takeaway. Many of the events are held with a view to providing support for charities both local (Swinford 2000) and national (MacMillan Cancer Support, ProstAid, LOROS etc.). A recent series of events over Christmas 2023 has raised over £1,300 for ProstAid. There is a book exchange scheme in place with proceeds donated to charity too and also there is an Air Ambulance Clothes Bank behind the main building. The Chequers has also a range of sports teams including darts teams (male and female), bar skittles teams and the Swinford Chequers Football Club affiliated to the Leicestershire Alliance League The pub is a meeting place for a number of local community groups including Swinford 2000 (Charity), Friends of Swinford School (Charity), Swinford Operatic and Drama Society (SODS) and the Swinford Women’s Institute; it is also the main selling point of tickets for events organised by these groups.

A key aspect of The Chequers is its outdoor areas. Behind the car park are there is a large marquee that is used for the larger events put on by the pub itself such as the now well-established annual Gig in the Garden which promotes local musicians to show off their talent as part of a whole day event that also includes food stalls and a wider selection of beers. The marquee is also used to show key sports events such as World Cup football and Rugby matches etc and is available for private parties and wedding receptions hosting a good number each year. Confidential Alongside the car park is an extensive grassed play area recently upgraded well equipped children’s playground equipment and picnic tables. This provides an attractive and safe place for younger children to play whilst under the watchful eye of their relaxing parents. In the last two years the landlord has also added an outdoor serving window for soft drinks, ice creams, snacks etc which has proved popular with families with children.

There is now also a small recessed walled garden area reserved for adults built in place of old outhouses that were previously just used for storage just used for storage The Chequers would continue to be the social heart of the village community. As newer housing comes on stream it has been

noticeable that the new families and residents are also visiting the pub adding to its importance to the community overall. The Chequers was identified as a key asset in the Swinford Neighbourhood Plan in 2018 demonstrating its importance to the village.

This is the third application for The Chequers to be classed as an Asset of Community Value having been approved previously in 2014 and 2019 and it is considered essential that it remains protected for the benefit of the growing village community.

Justification for inclusion on list

The nomination has been received from Swinford 2000 (Charity No 1088827). Charitable objects of Swinford 2000 are:

TO PROVIDE AND MAINTAIN FACILITIES FOR CHILDREN'S RECREATION AND LEISURE TIME OCCUPATION IN SWINFORD AND IN PARTICULAR TO DEVELOP AND MAINTAIN FACILITIES AND EQUIPMENT IN A VILLAGE PLAYGROUND FOR THE BENEFIT OF FAMILIES AND VISITORS TO SWINFORD
The area of benefit for the charity is Swinford. The nominating body operates within the Parish of Swinford for the benefit of the community and is a registered charity.

Eligible nominators are set out in Section 89(2)(b) of the Localism Act which provides that it must be made by one of the following:-

- (i) a parish council in respect of land in England in the parish council's area,
- (ii) a community council in respect of land in Wales in the community council's area, or
- (iii) a person that is a voluntary or community body with a local connection. :

Regulation 5 (1)(c) provides that a voluntary or community body means:-

- (a) a body designated as a neighbourhood forum pursuant to section 61F TCPA 1990;
- (b) a parish council but no other public or local authority²⁸⁹ ;
- (c) an unincorporated body with at least 21 individual local members which does not distribute any surplus to its members;
- (d) a charity;
- (e) a company limited by guarantee which does not distribute any surplus it makes to its members;
- (f) an industrial and provident society which does not distribute any surplus it makes to its members; or
- (g) a community interest company

Swinford 2000 being a charity fulfils the requirements of regulation 5 (d).

The asset is considered to be of community value if:

“in the opinion of the authority

- its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and
- that use is not an ancillary one; and
- for land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and
- it does not fall within one of the exemptions which we will be putting in regulations, e.g. residential premises and land held with them.

“Social interests” are defined to include cultural, recreational and sporting interests

The nominating body has provided evidence that the Chequers Inn is an important meeting place for the community and well used for both social and charitable events. MacMillan Cancer Support, ProstAid, LOROS etc.). A recent series of events over Christmas 2023 has raised over £1,300 for ProstAid.

The pub is also identified in the Swinford Neighbourhood Plan as a key village asset.

A number of events have been listed and photos have been provided to substantiate the statements.

The pub supports local pride by being in the Good Beers Guide and provides food for locals and others.

A number of local organisations use the pub as their meeting place. These include Swinford 2000 (Charity), Friends of Swinford School (Charity), Swinford Operatic and Drama Society (SODS) and the Swinford Women's Institute;

Evidence has been provided of the annual 'Gig in the Garden', as well as the marquee being used for parties and weddings.

The nominating body has stated that they intend to keep the asset as a public house should it be purchased by the community. The evidence provided demonstrates that the actual recent use of the pub and the garden have furthered the social interests of the community.

The evidence provided by the nominating body demonstrate that there is a realistic chance that the pub could reopen as a community pub if the asset were sold.

The Chequers Inn does not fall into any of the exempt categories and is within the area of Harborough District.

Glebe Land Play Area, Swinford (excluding agricultural field) (reviewed 2021)	Swinford 2a	play area and adjacent Glebe Land. Email received on 29/6/2016. Extension of time agreed with Diocese on 4/10/2016.	Status	(1) Successful Listing
			Nomination Date	29/06/2016
			Date included on list	27/09/2016
			Date included on unsuccessful list	
			date listing expires	27/09/2026

Evidence provided for ACV listing

The land is adjacent to the village green, a small space that is currently classed as a highways verge but has been developed and maintained by the community. Events are regularly held there and on some of the land contained within the open space application. These events are social activities for all ages, no other opportunities like this exist in the village. These events are vitally important for creating lasting relationships in a rural area. In turn these relationships support emotional wellbeing, social interaction, health and independence.

There is a pond on the Glebe land which supports a population of toads, frogs, newts and other wildlife. Thirty metres to the south of the boundary of the land there are residential properties, the gardens of which support populations of Great Crested Newts, the species has been confirmed by an Ecologist. The newts live within the proximity of the pond and they are a protected species making this a SSSI (Site of Special Scientific Interest). There are also reported regular sightings of grass snakes in the immediate area (two within thirty metres during the last year). In addition, frequent sightings of bats have been noted with the barns that are on the boundaries to be their likely roosting place. The wildlife needs to be supported by pasture land and wet areas and the current nature of the Glebe Land is critical to future sustainability.

The Glebe land was included in the designated Swinford Conservation Area in 1975.

The description justifying designation included the following statement:-

"The southern side of the core quadrilateral between the roads to Stanford and Rugby is significant. The south side of the road has a wide grass verge with a Walnut tree; a long stretch of mud wall is behind. Behind this mud wall and along the Rugby Road and Stanford Road the settlement is more open with orchards, paddocks and farmsteads. The open undeveloped space between the two roads is significant and makes a major contribution to the setting....."

Part of the land in question is a play area, leased by the Parish Council from the diocese, which is central to the village. This facility has been at the heart of the community for the past 15 years . It is used a various times but can be noticeably busy during the afternoons on a fair weather day. It is funded and maintained by a voluntary group in the village called Swinford 2000 and was a project voted for by the entire community to mark the millennium. Since then S2000 have set up numerous fundraising activities to keep the play area in good order for regular inspections including the annual RoSPA. This is a key facility used by residents and visitors. Play is vitally important to a good childhood supporting physical and emotional wellbeing, the long term benefits can be learning, interaction, health and independence.

The Glebe Land would continue to remain at the heart of the village where wildlife thrives, the community gather for events and play and contribute to the existing setting.

The Glebe Land Play Area would continue to remain at the hear of the village where wildlife thrives, the community gather for events and play and contribute to the existing setting. The village have benefitted from the Play Area being listed as an Asset of Community Value from 2016 to 2021 and are keen to renew this listing to protect this incredibly important asset for future use.

Justification for inclusion on list

The site nominated is the play area and has been listed as an Asset of Community Value since 2016. The village green (part of the

secondary highway) is used for village events as stated in the nomination form, however this land is not within the nomination boundary. The land has been nominated by the Parish Council.

It is evident that the use of the land as a play area benefits the social wellbeing and recreational activities of the community and is unchanged from the previous listing.

The Chequers Inn, Swinford	Swinford 3	public house, garden and parking	Status	(1) Successful Listing
			Nomination Date	26/02/2024
			Date included on list	03/04/2024
			Date included on unsuccessful list	
			date listing expires	02/04/2024

Evidence provided for ACV listing

The Chequers Inn is the only public house in the village of Swinford, a village that is increasing in population as new housing developments are completed. The pub serves as a popular meeting place for villagers and those from the surrounding areas and it attracts visitors from the nearby Stanford Hall Caravan Park and those visiting Stanford Hall itself. It was identified in the 2018 Swinford Neighbourhood Plan as a key asset for the village.

The pub really is the hub of the village life providing a meeting place for a wide range of groups and activities as well as being the only place in the village to enjoy a meal or drink in a social environment.

It is also the venue for a range of entertainment including live music, quizzes, bingo nights, children's parties (Christmas, Easter etc), sporting events (pub games like darts and bar skittles), screening of key sports events (the Six Nations Rugby, Football Euro Finals etc) or even just the provision of board games for people to use.

The Chequers has been a regular in the Good Beer Guide for many years and is established as being a good place to have a typical pub meal out or a place to grab a takeaway pizza.

In addition from Spring to Autumn the pub hosts regular visiting street food stalls (Greek, Indian, Mexican etc) which has proved very popular within the village – the food can be consumed within the pub or served as a takeaway.

Many of the events are held with a view to providing support for charities both local (Swinford 2000) and national (MacMillan Cancer Support, ProstAid, LOROS etc.). A recent series of events over Christmas 2023 has raised over £1,300 for ProstAid.

There is a book exchange scheme in place with proceeds donated to charity too and also there is an Air Ambulance Clothes Bank behind the main building.

The Chequers has also a range of sports teams including darts teams (male and female), bar skittles teams and the Swinford Chequers Football Club affiliated to the Leicestershire Alliance League

The pub is a meeting place for a number of local community groups including Swinford 2000 (Charity), Friends of Swinford School (Charity), Swinford Operatic and Drama Society (SODS) and the Swinford Women's Institute; it is also the main selling point of tickets for events organised by these groups.

A key aspect of The Chequers is its outdoor areas.

Behind the car park are there is a large marquee that is used for the larger events put on by the pub itself such as the now well-established annual Gig in the Garden which promotes local musicians to show off their talent as part of a whole day event that also includes food stalls and a wider selection of beers.

The marquee is also used to show key sports events such as World Cup football and Rugby matches etc and is available for private parties and wedding receptions hosting a good number each year.

Alongside the car park is an extensive grassed play area recently upgraded well-equipped children's playground equipment and picnic tables. This provides an attractive and safe place for younger children to play whilst under the watchful eye of their relaxing parents.

In the last two years the landlord has also added an outdoor serving window for soft drinks, ice creams, snacks etc which has proved popular with families with children. There is now also a small recessed walled garden area reserved for adults built in place of old outhouses that were previously just used for storage.

The Chequers would continue to be the social heart of the village community. As newer housing comes on stream it has been noticeable that the new families and residents are also visiting the pub adding to its importance to the community overall.

The Chequers was identified as a key asset in the Swinford Neighbourhood Plan in 2018 demonstrating its importance to the village.

This is the third application for The Chequers to be classed as an Asset of Community Value having been approved previously in 2014 and 2019 and it is considered essential that it remains protected for the benefit of the growing village community.

Justification for inclusion on list

Tur Langton Village Hall and land (reviewed 2020)	Tur Langton 1	Village Hall with car park to rear, kitchen, toilets and storage	Status	(1) Successful Listing
			Nomination Date	08/05/2015
			Date included on list	23/06/2015
			Date included on unsuccessful list	
			date listing expires	22/06/2025

Evidence provided for ACV listing

The Land is owned by Merton College and leased to the Parish Council as Custodian Trustee. The Hall itself is owned by the Parish Council but has no value as an asset as the council does not own the land it stands on and the building would revert back to Merton College should the lease come to an end. The day to day running of the hall is the responsibility of the Management Committee.

The Village Hall is a community hub for the village and is the only community Building in Tur Langton that can serve this purpose. It has a long established history of serving the community in this capacity for over half a century. The land that it stands on is a car park for the venue and also the only public car park in the village

The Hall is used by the Parish Council for its meetings and for other community projects / activities. It is also used by community groups and individuals. It is suitable for and has a history of staging "Centre Stage" Productions.

The Hall has a Performing Rights Licence and is available for hire to people and organisations from and inside and outside of the village.

Examples of use include circuit training classes, wedding receptions, children's parties. A local cycling club uses it on an annual basis as an event HQ.

It is also used as a Polling Station during elections and is the only building in the village that can be used as such.

The Parish Council has put the hall forward to HDC / Leicestershire Resilience Partnership as an Emergency Centre as part of its Community Resilience Plan.

The Hall and associated land is a valuable resource for the residents of Tur Langton and its loss would mean that Tur Langton would no longer have a community hub. A survey has established that there is no other suitable site in the village for such a facility.

The absence of the hall and associated car parking would mean that the Parish Council would have to meet outside the village, which would be far from satisfactory and not supportive of community engagement.

The activities that the facility enable to take place meet the criteria of furthering the social well being, cultural, recreational and sporting interests of the village. It would be very difficult to support and encourage this without the Village Hall

If the future of the site and building were to be secured the Parish Council and Management Committee would work together with local residents to ensure the newly refurbished building is well managed and provides a modern amenity space serving our community sustainably.

The Parish Council would continue to use the hall for meetings and other activities. The Council would use it as hub for activities and groups in addition to supporting existing ones in line with the aims of the County Council's Community Strategy. It would also be used as the centre for community events and celebrations.

The Council and Management Committee would also look to promote and expand the lettings of the hall, both inside and outside of the village. This would bring in funds and increase its sustainability.

The village hall is situated on a clearly defined site bounded by fences and brick walls. It is positioned between two private houses on either side and at the rear a wooden field fence separates it from a paddock. The plan included is c1970 showing the site as it was identified before the new hall and housing was built. The second plan shows the additional land added to the hall site for extra parking. The site has not changed since then.

Justification for inclusion on list

The Village Hall at Tur Langton fulfils the criteria to enable it to be listed as an Asset of Community Value and has been nominated by the

Parish Council. The PC has also confirmed that it wishes the listing to continue for a further 5 years.

Although currently closed for renovation, it is reasonable to assume that the hall will reopen shortly and provide for the social wellbeing and recreational needs of the community.

Tur Langton Parish Council has provided an updated written statement concerning its current and future use, and it is reasonable to assume that the hall will be a sustainable community asset.

Walcote

**Black Horse Inn 2019
(Car Park)**

Walcote 3b

Status	(2) Unsuccessful Listing
Nomination Date	09/08/2019
Date included on list	
Date included on unsuccessful list	09/10/2019
date listing expires	08/10/2024

Evidence provided for ACV listing

**The Black Horse Inn, Walcote
ACV Registration**

The Black Horse Inn is the only public house in Walcote. It reopened for business in December 2016, having been closed for some 5 years, and Misterton with Walcote Parish Council is committed to ensuring it remains open for the benefit of the village. The pub was originally registered as an asset of community value in 2014 but that registration expires on 17 November 2019. There is also a separate listing that expired on 19 July 2017.

Since reopening the pub has become central to village life. We've all made new friends. It's easily accessible to the elderly and disabled and, although it has a car park attached, it is within walking distance for most residents. Apart from providing good food and drink (please see reviews on its Facebook page and The Good Pub Guide), it has contributed in many ways to the wellbeing of the community.

Here is a sample:

The pub hosts a book exchange.

It hosts a quiz night on the last Sunday of each month and in November 2018 it hosted the Royal British Legion quiz night to raise funds of the charity in remembrance of those who fought in the First World War.

The pub hosted beer festivals in 2017 and 2018.

It hosts live music events throughout the year.

It provides free Wi-Fi and also BT Sport, giving many access to live sporting events that would not otherwise be available to them.

It provides a meeting venue for various village organisations such as the Allotment Association and the Misterton with Walcote Community Trust. It opened specially on a Monday, when it would otherwise have been closed, to provide a venue for an open meeting of the Neighbourhood Planning group. It has also provided a venue for meetings of the NP housing theme group.

The landlord helped sponsor the Church Christmas Tree festival and invited everyone back for mince pies and mulled wine after the Church service.

It has helped in the revival of the village cricket and skittles team. The cricket team has its meetings there. In 2018 the team won the Plate final in the Rugby and District Cricket League. The skittles team plays its home games at the pub on alternate

Wednesdays during the Autumn and Winter.

Further information Re: Car Park

From: Lindsey Astle [<mailto:lindsey@walcote.plus.com>]

Sent: 01 October 2019 10:49

To: Matthew Bills

Cc: Keith Wilding

Subject: RE: [EXTERNAL] FW: The Black Horse - Asset of Community Value

This Message originated outside your organization.

Matt,

I understand your caution but this is perhaps an unusual case where we have the wholehearted support of the owner, that is the Black Horse Walcote CBS Ltd and as an indication I have copied the Company Secretary into this email.

Basically the pub will only remain open if it is financially viable. As Walcote is a small village, that viability relies on people from outside using the village travelling to drink, eat and attend meetings and social events. There is no where else to park in the village as the A4304 is not suitable. Without the car park visitors from outside the village, and I include myself and my husband here, would find it difficult to use the pub and without such trade the pub would struggle to remain open, thus depriving the village of an important asset.

I trust this answers your point but if not, please let me know.

Regards,

Lindsey

Justification for inclusion on list

The Black Horse inn has been nominated by Misterton and Walcote PC. This is in accordance with the Asset of Community Value legislation.

The evidence provided demonstrates that the Black Horse Inn provides for the social well being and social interests of the community. There is provision for community meetings, sports clubs and for social interaction of the community. The pub was awarded the 2018 Tripadvisor Certificate of Excellence, and is owned by the The Black Horse Walcote Community Benefit Society.

The Council made further enquiries to the nominating body concerning the use of the car park at the Black Horse and whether it should be included in the boundary of the Asset of Community Value. The information received from the nominating body has not provided further evidence that this portion of the site provides for the social wellbeing and recreational requirements of the community. It is therefore proposed that the site is split into a successful nomination of the building and small garden, and an unsuccessful nomination of the pub car park.

The use of the public house by the community can be considered to be a non ancillary use. The meetings for sports clubs are regular during the seasons, with other community meetings held on a regular basis.

The nomination is supported by the owners of the Black Horse. It is reasonable to think that the use as a pub will continue.

The Black Horse Inn 2019

Walcote 3a

community owned public house

Status	(1) Successful Listing
Nomination Date	09/08/2019
Date included on list	09/10/2019
Date included on unsuccessful list	
date listing expires	08/10/2024

Evidence provided for ACV listing

**The Black Horse Inn, Walcote
ACV Registration**

The Black Horse Inn is the only public house in Walcote. It reopened for business in December 2016, having been closed for some 5 years, and Misterton with Walcote Parish Council is committed to ensuring it remains open for the benefit of the village. The pub was originally registered as an asset of community value in 2014 but that registration expires on 17 November 2019. There is also a separate listing that expired on 19 July 2017.

Since reopening the pub has become central to village life. We've all made new friends. It's easily accessible to the elderly and disabled and, although it has a car park attached, it is within walking distance for most residents. Apart from providing good food and drink (please see reviews on its Facebook page and The Good Pub Guide), it has contributed in many ways to the wellbeing of the community.

Here is a sample:

The pub hosts a book exchange.

It hosts a quiz night on the last Sunday of each month and in November 2018 it hosted the Royal British Legion quiz night to raise funds of the charity in remembrance of those who fought in the First World War.

The pub hosted beer festivals in 2017 and 2018.

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It provides free Wi-Fi and also BT Sport, giving many access to live sporting events that would not otherwise be available to them.

It provides a meeting venue for various village organisations such as the Allotment Association and the Misterton with Walcote Community Trust. It opened specially on a Monday, when it would otherwise have been closed, to provide a venue for an open meeting of the Neighbourhood Planning group. It has also provided a venue for meetings of the NP housing theme group.

The landlord helped sponsor the Church Christmas Tree festival and invited everyone back for mince pies and mulled wine after the Church service.

It has helped in the revival of the village cricket and skittles team. The cricket team has its meetings there. In 2018 the team won the Plate final in the Rugby and District Cricket League. The skittles team plays its home games at the pub on alternate

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Further information Re: Car Park

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To: Matthew Bills

Cc: Keith Wilding

Subject: RE: [EXTERNAL] FW: The Black Horse - Asset of Community Value

This Message originated outside your organization.

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I trust this answers your point but if not, please let me know.

Regards,

Lindsey

Justification for inclusion on list

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The Council made further enquiries to the nominating body concerning the use of the car park at the Black Horse and whether it should be included in the boundary of the Asset of Community Value. The information received from the nominating body has not provided further evidence that this portion of the site provides for the social wellbeing and recreational requirements of the community. It is therefore proposed that the site is split into a successful nomination of the building and small garden, and an unsuccessful nomination of the pub car park.

The use of the public house by the community can be considered to be a non ancillary use. The meetings for sports clubs are regular during the seasons, with other community meetings held on a regular basis.

The nomination is supported by the owners of the Black Horse. It is reasonable to think that the use as a pub will continue.

Willoughby Waterleys

General Elliott Public House (Ground Floor Only)	Willoughby 1	public house	Status	(1) Successful Listing
			Nomination Date	06/09/2019
			Date included on list	03/12/2019
			Date included on unsuccessful list	
			date listing expires	02/12/2024

Evidence provided for ACV listing

The earliest reference to the General Elliott Public House in Willoughby Waterleys, comes from as far back as 1810. Records show that a licence was applied for in September of that year. It was first mentioned by name, in the Alehouse Recognisance Records in 1826. Although historically there were a number of small shops and a Post Office in the village, these were all lost by 1983. Therefore, other than the Parish Church, generally only open to the public when there is a service, and the Village Hall, currently being used as a Private Nursery, the General Elliott is the only public facility available to villagers and is open 6 days per week. But the Elliott (as it is known to most villagers) is not just a Village Pub. There are many non-ancillary uses to which the venue is used, which makes it the hub of the community.

1. Monthly Village quiz with profits used for charity fundraising. These events are attended by approximately 40 villagers every month bringing the community together on the first Thursday every month. Over the last three years a total of around **£4,000** has been raised for local charities.
2. An acoustic music festival is held on the last Thursday of the month and gives the opportunity to village and local musicians to hone their skills and perform for the benefit of the villagers.
3. The Village Book Club meets every month and the 10 members are able to discuss their latest read together.
4. The Dunton Bassett Bar Skittles league meets every Wednesday and the two Elliott teams have a number of members from both the village and the local area.
5. "Women of Willoughby" (WOW) is a ladies' village group of around 30 members, who meet to foster their relationship on a frequent basis in the Elliott.
6. Meetings of the Village Hall Committee are held when the village hall is not available. Where could they meet without the option of the Elliott in these circumstances?
7. Charity fundraising events have been held and will continue to be. These have included appearances of a Skittle Band, steam locomotives and Morris Dancing, all helping to raise an additional £2,500 for The Air Ambulance.
8. The Elliott is the only venue available in Willoughby Waterleys for licensed private functions which have included Funeral Wakes, birthday parties and Hen Parties
9. A small selection of books is available as a pub library. Donations are made by villagers for the benefit of others in the community.
10. The Elliott is the substitute Polling station if the Village Hall were to be unavailable. Without the Elliott there would be no other option.
11. Monthly community coffee mornings are held and are well attended by many of the more elderly villagers.
12. Free WiFi is available and is invaluable to those residents who do not have access to the Internet.

These non-ancillary events attract many residents who are not regular pub goers but will visit the Elliott for lots of other reasons, taking part in events that engender the Community spirit.

The Elliott also occupies an excellent central position in the Village so is easily accessible to almost all residents, sustainably, by foot. It therefore can be seen that the General Elliott provides a focus for the Community and helps to combat the isolation that rural communities can often suffer from. Finally, as is illustrated by the attached Petition, if the General Elliott were to disappear, most residents of Willoughby Waterleys would feel that the Village had lost its "heart" and would be much the worse for it. Consequently, the Parish Council has no hesitation in recommending and supporting this application to register the General Elliott as an Asset of Community Value. In the event of a proposal to change the current use, this would allow the Community the time to consider how they could retain the public house.

Justification for inclusion on list

The General Elliott Public House has been nominated by the Parish Council and is therefore nominated in accordance with the regulations.

The public house has been running for many years as a successful business.

Evidence has been provided that General Elliot hosts events such as breakfast and brunch clubs, quiz nights, and other theme nights. The nomination states that money has been raised for local charities. Evidence has been provided in the nomination that the bar skittles team meets in the pub and the pub hosts other community events such as Woman of Willoughby meetings, Morris Dancing amongst others. The owner of the asset contests that these events cannot only be held in the pub, but could be hosted in the Village Hall. It is not a consideration of the assessment that whether the activities of the pub could be held elsewhere, but whether they meet the social interests of the community in the nominated asset, and whether they are sufficient to list the asset as an ACV

The use of the public house as a venue for fund raising, social interaction through playing of sports such as pub skittles and meeting of community groups could reasonably be considered to be a non ancillary use of the pub. The regularity of events is such that they will provide much needed attraction for customers in a country pub.

The owner of the asset has stated that it is not his intention to sell the pub. It is realistic to think that the pub will continue in the future and the community events and theme nights are likely to continue to attract customers to the pub.

The building is not in any of the exempt categories.

It is therefore the consideration of the Council that the nominating body has provided sufficient evidence for the General Elliot to be listed as an Asset of Community Value. The pub sufficiently meets the social wellbeing, recreational and sporting interests of the community and it is reasonable to think that this will continue into the future.
