

## Nomination of a Community Asset – Plaxtol Village Stores and Post Office

### 1. Background

- 1.1 On 10 August 2021, Tonbridge and Malling Borough Council (“the Council”) received a nomination for a community asset from Plaxtol Parish Council, in respect of Plaxtol Village Store and Post Office (“the Property”).
- 1.2 The nomination describes the Property as follows: “A centre for the community of Plaxtol, based in The Street of Plaxtol offering post office services, domestic products and food.”
- 1.3 The nomination makes clear that the Property is in ongoing use, the landowner being Ms Shirley Bringham and the occupier being Ms Bal Pardesi.
- 1.4 The nomination describes the uses of the building as follows:

*“Plaxtol Village Stores is a focal point for Plaxtol parish. It sells a range of food, domestic products, stationary, newspapers as well as offering post office services. It is essential for those that cannot drive, are infirm or aged and also for school pupils and their parents of the nearby Plaxtol Primary School. It also serves as a key form of communication for parish events. During the lock downs of 2020 and 2021 it became a nerve centre for the entire parish”.*

In addition, the nomination states:

*“In the 2015 updated Plaxtol Parish Plan Plaxtol Village Stores was identified as an appropriate asset to be nominated for the Community Right To Bid proposal. The Parish Council continues to hold this view as agreed in the minutes of their May 2021 council meeting. Whilst the surrounding small villages to Plaxtol have either lost their shop or never had one (Dunk’s Green, Ivy Hatch, Shipbourne, Crouch, Platt, Ightham) Plaxtol still retains its shop and of equal value its post office. In an age of being aware of the environment it is important that the parish is able to retain these services so as to avoid people driving or catching the limited bus service to Borough Green, Sevenoaks or Tonbridge for their groceries. Plaxtol Village Stores serves also as a meeting point for the lonely and those new to the area. Should the present situation change and no tenant be found, the village would like to opportunity to set up a community stores in its place (as has happened in other villages around the country)”.*

## 2. Legal Framework

2.1 Section 90 of the Localism Act 2011 (“the Act”) states:

*“90 Procedure on community nominations*

- (1) This section applies if a local authority receives a community nomination.*
- (2) The authority must consider the nomination.*
- (3) The authority must accept the nomination if the land nominated—
  - (a) is in the authority's area, and*
  - (b) is of community value.**
- (4) If the authority is required by subsection (3) to accept the nomination, the authority must cause the land to be included in the authority's list of assets of community value.*
- (5) The nomination is unsuccessful if subsection (3) does not require the authority to accept the nomination.*
- (6) If the nomination is unsuccessful, the authority must give, to the person who made the nomination, the authority's written reasons for its decision that the land could not be included in its list of assets of community value.”*

2.2 By s.88 of the Act, land is of “community value” if:

*“in the opinion of the [Council]—*

*(a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and*

*(b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.*

*...*

*[or]*

*in the opinion of the [Council]—*

*(a) there is 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, and*

*(b) it is realistic to think that there is a time in the next five years when there could be non-ancillary 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.”*

- 2.3 Land may only be listed in response to a community nomination (or in other prescribed circumstances which are not applicable here). A “community nomination” includes a nomination by a voluntary or community body with a local connection.

### **3. Assessment of Nomination**

#### Is it a “community nomination”?

The nomination has been made by a Parish Council in respect of land within its area, which meets the requirements of s.89(2) of the Act for a community nomination.

#### Is there an “actual current use” or “time in the recent past” where the land was in community use

The uses to which the Property is put include a village store selling a range of food and domestic products, in addition to a post office. It is described as a “focal point” for the parish as well as serving as a meeting point for “the lonely and those new to the area”.

Such uses appear to be a major function of the Property, and are activities which promote social interests and/or social wellbeing of the local community.

#### Is there a realistic prospect in the next 5 years of a community use?

It seems apparent that the current uses are intended to continue, however the nomination also states “*Should the present situation change and no tenant be found, the village would like to opportunity to set up a community stores in its place*”

### **4. Conclusion and Decision**

- 4.1 The Council has received a valid community nomination for the Property.
- 4.2 The Property is at present in a use or uses which further the social wellbeing of the local community.
- 4.3 It is realistic to think that the Property will continue to be put to such uses within the next 5 years.
- 4.4 The Property is in the Council’s area, and is of community value. The Property should therefore be included in the Council’s list of assets of community value.