

## Nomination of a Community Asset –Borough Green Parish Church Hall, car park and allotments

### 1. Background

1.1 On 25 October 2023, Tonbridge and Malling Borough Council (“the Council”) received a nomination for a community asset from Borough Green Parish Council, in respect of Borough Green Parish Church Hall, car park and allotments (“the Property/Land”).

1.2 The nomination describes the Property/Land as follows:

*“Brick built single storey main hall, two storey rear annex for utilities and meeting space, set in its own small carpark, with three rented allotments to the rear”*

1.3 The Parish Council (the nominator) describes the use of the property as follows:

*“Kindergarten, public and private meetings, Dance group.”* The nomination lists the owner as the Diocese of Rochester.

The Parish Council also state:

*“The hall provides a valuable extra space in the village for public hire, as the Village Hall is often busy. It is centrally located”* and *“This was our first Primary School, and is set in an Area of Historical Character...The entire area is under constant pressure for development, and we are concerned that its value to the community may not weigh heavily against the Diocese's need to sell on for development. An ACV would give us the time to seek and provide alternative funding to keep the building in public ownership.”*

### 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 Parish Council.

### **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 Property/Land is currently in use as a kindergarten, public and private meeting space and hall with car park and 3 allotments.

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

The property/land is currently in use as a meeting hall with car park and allotments, this is *capable* of use in a manner which furthers social interests and/or social wellbeing and there is a realistic prospect in the next 5 years of a community use.

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

- 4.1 The Council has received a valid community nomination for the Property/Land.
- 4.2 The Property/Land was, in the recent past, in a use or uses which furthered the social wellbeing of the local community.
- 4.3 It is realistic to think that the property/land could be put to such uses within the next 5 years.
- 4.4 The Property/Land is in the Council’s area and is of community value. The Property/Land should therefore be included in the Council’s list of assets of community value.