

Nomination of a Community Asset – The Black Horse PH, Stansted

1. Background

- 1.1 On 12 May 2024, Tonbridge and Malling Borough Council (“the Council”) received a nomination for a community asset from Stansted Parish Council, in respect of the Black Horse PH, Tumblefield Road, Stansted, Sevenoaks, TN15 7PR (“the Property”).
- 1.2 The nomination describes the Property as follows: *“The Black Horse fronts onto Tumblefield Road opposite St Mary’s Church. It has a garden to the rear of the property which runs parallel to Plaxdale Green Road.”*
- 1.3 The nomination demonstrates that the Property is currently in use as a public house. The owners are listed as Mr Danny Jarvis and Ms Victoria Collier, who are also the occupiers of the Property.
- 1.4 The nomination describes the uses of the Property as follows:

“The Black Horse, like any village pub, is at the centre of village life, like the church and the school. The Black Horse is a popular venue for locals to socialise and congregate. The pub plays a particularly important role when there are village events such as fetes and national celebrations and it hosts regular quiz nights. The pub is used by visitors and, in particular, those exploring the local area. Furthermore, The Black Horse is currently the only pub in the parish and is a local employer.”

In addition, the nominator states:

“The Parish Council would investigate the various options for continuing to operate the property as a pub or cafe for the benefit of the parish”.

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 for land within its area.

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 is currently in use as a public house. The nomination suggests that the public house is used by the community for meeting and socialising, engendering a collective sense of wellbeing. It also states, “*The pub plays a particularly important role when there are village events such as fetes and national celebrations and it hosts regular quiz nights*”. Whilst there is no defined meaning for “social wellbeing” for the purposes of the ACV regime it could be considered to include activities such as social gatherings which are clearly valuable to a person’s quality of life and therefore amount to a use which furthers 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 use as a public house is intended to continue. Furthermore the Parish Council state that “*The Parish Council would investigate the various options for continuing to operate the property as a pub or cafe for the benefit of the parish*” therefore, there is a realistic prospect of a community use in the next 5 years.

4. Conclusion and Decision

- 4.1 The Council has received a valid community nomination for the Property.
- 4.2 The Property is in a use or uses which further the social wellbeing of the local community.
- 4.3 It is realistic to think that the Property could 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.