

Nomination of a Community Asset – Land surrounding the Public House (The Black Horse) Stansted

1. Background

- 1.1 On 11 November 2024, Tonbridge and Malling Borough Council (“the Council”) received a nomination for a community asset from Stansted Parish Council, in respect of the **Land** surrounding the Black Horse PH, Tumblefield Road, Stansted, Sevenoaks, TN15 7PR (“the Land”). Stansted Parish Council have previously successfully nominated the pub building in May 2024 and they now seek to include the adjacent surrounding pub garden.
- 1.2 The nomination describes the Land as follows: *“The pub is opposite the church and at the front borders the Tumblefield Road and there is a pub garden with trees to the rear. There are outbuildings which are used for storage etc.”*
- 1.3 The nomination demonstrates that the Land is used as a pub garden, although it is noted during this assessment that the pub has currently closed to the public and the owners have notified the Council of their intention to sell the property. 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 Land as follows:
- “The public house was given the status of an asset of community value. We want to ensure that the land surrounding the building is given the same status. The pub has been the centre of community life and the focus for gatherings and social events.”*
- In addition, the nominator states:
- “The land around the pub should be given community asset status as it is integral to the public house and is required for community events and parking. If the Black Horse is to be retained as a public house it cannot be surrounded by new housing or other development as this will seriously detract from the pub and would not make it a viable proposition if leased to a third-party manager or managed by the community”.*
- The nominator also states:
- “At the current time the Parish Council is setting up a committee to find a way of keeping this, our last remaining pub in the village, as a community pub as in other similar villages across the country.”*

- 1.5 The owners have been informed of the nomination and have been invited to comment. Whilst they object to the proposal, the pub itself is already listed as an asset of community value (without any objections received) and it is noted that the pub garden is an integral feature of the existing asset and considered valuable to the community.

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 Land was previously in use as a pub garden. The nomination suggests that the public house was used by the community for meeting and socialising, engendering a collective sense of wellbeing. It also states, “*Until recently the pub has been a popular pub and restaurant for locals and visitors to the area. It was used for quiz nights and was a vital focus for both local and national celebrations - fetes, Queens Jubilee celebrations, village bbqs etc*”. 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. The pub garden is part of the offer provided by the Pub. It is therefore linked to the general benefits to the community of socialising at the pub using the adjacent garden.

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

It is apparent that the public house is currently closed to the public and the owner wishes to sell (following the legal process of the ACV legislation). However, until recently it was open as a local public house with pub garden. Furthermore, the Parish Council state that “*At the current time the Parish Council is setting up a committee to find a way of keeping this, our last remaining pub in the village, as a community pub as in other similar villages across the country*” 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 Land.
- 4.2 The Land was recently used in a way which furthered the social wellbeing of the local community.
- 4.3 It is realistic to think that the Land could be put to such uses within the next 5 years.
- 4.4 The Land is in the Council's area, and is of community value. The Land should therefore be included in the Council's list of assets of community value.