

Nomination of a Community Asset – The Old Rectory Public House, Leybourne, ME19 5PU

1. Background

- 1.1 On 15 January 2025, Tonbridge and Malling Borough Council (“the Council”) received a nomination for a community asset from Leybourne Parish Council, in respect of The Old Rectory Public House, Oxley Shaw Lane, West Malling, Leybourne, ME19 5PU (“the Property”).
- 1.2 The nomination describes the Property as follows: “The public house is off Oxley Shaw Lane, it includes a large building, garden and car park” (see map).
- 1.3 The nomination states that the Property is currently being used as a public house. The property is stated to be owned by Greene King and occupied by the tenant publican.
- 1.4 The nomination describes the community uses of the building as follows:

“The Old Rectory is the heart of Leybourne. It is where locals and visitors gather for food, drink and social interaction. The pub runs regular events such as quiz nights and shows sport on the large screen TV which brings the community together. For people who live alone or feel isolated, The Old Rectory can provide a safe, welcoming space to connect with others. Supported by Leybourne parish Council, Leybourne Church run a monthly tea and coffee meet up for all residents of Leybourne in The Old Rectory.

The Old Rectory provides a place for people to unwind after a busy day, this helps to reduce stress and improve mental well-being. The pub plays a crucial role in village life.”

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 Leybourne Parish Council in respect of land within the Tonbridge and Malling Borough Council area. This 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, primarily as what might be described as a “locals” pub as it is “*where locals and visitors gather for food, drink and social interaction*”. The nomination suggests that the public house is used by the community for meeting and socialising, engendering a collective sense of wellbeing. 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 and meetings 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 uses are intended to continue.

4. Conclusion and Decision

- 4.1 The Council has received a valid community nomination for the Property.
- 4.2 The Property 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 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.