

## Nomination of a Community Asset – The Sports Pavillion and Car Park, Leybourne Chase

### 1. Background

- 1.1 On 14 January 2025, Tonbridge and Malling Borough Council (“the Council”) received a nomination for a community asset from Leybourne Parish Council, in respect of “The Sports Pavillion and Car Park” (“the Property”).
- 1.2 The nomination describes the Property as follows: *“Boundary includes the pavilion, outside space and car park area. Hire space used for a variety of events including party hall hire to baby groups, exercise groups, community events. Average Dough café and bakery occupy part of the building on lease agreement. There is a car park for 48 cars. Pizza Revolution, a mobile pizza van, hire car park space every Friday and Saturday evening for takeaway food”*
- 1.3 The nomination demonstrates that the Property is currently in use as a *“Sports Pavilion hall for hire to the local community and area leased to café, Average Dough”* The owner is listed as Leybourne Grange Management CIC
- 1.4 The nomination states: *“The Pavilion plays a vital role in:-*
- promoting social interaction.*
  - running events and activities.*
  - it can offer education facilities supporting personal development.*
  - enhance physical and mental health by providing sports and fitness activities.*
  - It can facilitate local community engagement including providing volunteer opportunities.*
  - It can provide essential services such support with health matters.*
  - It can help to strengthen community identity in uniting people providing a more connected community.*
  - Provide a centre to host cultural events and celebrations, preserving local traditions”.*

### 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 is currently in use for recreational purposes. The nomination states that this is used “*for a variety of events including party hall hire to baby groups, exercise groups, community events*”. These uses would be considered to further social interests or social wellbeing. There are general community benefits of group activities and events which would suggest that this land is and would be *capable* of use in a manner which furthers social interests and/or social wellbeing.

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

The Property is in current use for recreational purposes and there appears to be no indication that such use would not or could not 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.