

Application Number: 20/001

Nominated Asset: The George Inn Public House w/adjacent land to the rear

Site Address: 5 Sandford Road, Littlemore, Oxford

Ward: Littlemore

Applicant: Littlemore Parish Council

Recommendation: The Head of Planning, Sustainable Development and Regulatory Services is recommended to:

1. Agree that **only the specified area** of the Nominated Asset should be confirmed as an Asset of Community Value
2. Agree to include **only the specified area** of the nominated asset on the City Council's Register of Local Assets of Community Value Register and place the asset on the Local Land Charge Register.

Background to Report.

1. The Localism Act and the Assets of Community Value Regulations set out the opportunities and procedures to follow for communities wishing to identify assets of community value and have them listed.
2. The City Council is able to list a nominated asset if, in its, opinion:

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

Is it realistic to think that there can continue to be non-ancillary use of the building or other land that will further (whether or not in the same way) the social wellbeing or social interests of the local community.

OR

There is a time in the recent past when an actual use of the building or other land that was not ancillary use furthered the social wellbeing or interests of the local community; AND

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.

3. These definitions have been taken from the Government's Regulations. There is no national guidance as to what the key terms in these definitions mean. It is for the nominating organisation in the first instance to argue why it considers the nominated asset meets the definition in the Regulations.
4. If the owner objects to their property being placed on the List, they have a right in the first instance to an internal review by the City Council of this decision.

Nomination

5. Littlemore Parish Council submitted a nomination of The George Inn Public House along with adjacent land to the immediate rear for inclusion as an Asset of Community Value. The nomination letter dated 11 May 2020 was received by Oxford City Council via an email on 13 May 2020. The submitted plan of the nominated area is attached to this report.
6. Littlemore Parish Council has argued that both the pub and adjacent land to the rear are assets of community value on the following grounds:
 - a. The George Inn is an important part of community life. As well as the outdoor activities listed above, it is home to numerous darts teams, over-60s music nights, over-60s monthly lunches, a weekly draw and other events. The George holds regular fund-raising events for local charities, in recent years has raised thousands to support the local Village Hall and St. Mary's & St. Nicholas Church both situated in Littlemore.
 - b. The car park is used to the maximum when there is a match at the Kassam Stadium, and for away matches when this is a gathering point for transport, with security at the gate to control car access. Informal parking is allowed at school pick-up time to reduce congestion on Sandford Road.
 - c. Without the current outside land, it will be impossible to continue with these activities, this is also likely to threaten the continuation of the pub as a going concern.

Response to consultation

7. The nominated area is presently under two different ownerships. The retained pub land (outlined in blue on the attached map) comprises of the George Inn pub, beer garden, a number of outbuildings and part of the car park. The freehold is owned by Just Pubs Ltd and the site is currently occupied and managed by a tenant. The adjoining land to the rear, comprising of additional car parking and self-described 'surplus land' (outlined in red on the attached map), and the ownership was transferred by the pub owner to KJD Investments (Oxford) Ltd. The transfer was effected on 1st July 2019 and, according to the full representation, the land is in the process of being registered at the Land

Registry. The land is also currently subject to a planning application (reference 20/00934/FUL) which at the time of writing is awaiting determination.

8. KJD Investments have objected to the inclusion of the adjoining rear land as part of the nomination. They have provided a representation and their objections are summarised as follows:
 - a. The current lawful use of the rear adjoining land is as a car park, which is ancillary to the community use of the pub and it therefore does not meet the test in s88 of the Localism Act 2011;
 - b. The adjoining land owner's stated intention is to prevent future ancillary use of the adjoining land and as the ownership is now split he is entitled to do so;
 - c. It is realistic to think that the Council might grant the current Planning Application (as submitted or an amended form) or a subsequent planning application for residential development on the land or that an appeal may be allowed in respect of the Planning Application (or subsequent planning applications).
 - d. It is fanciful to think that the Adjoining Owner having purchased the land and invested in the Planning Application would sell it at the value of ancillary car-parking land.

9. Just Pubs Ltd have objected to the nomination in entirety. They have provided a representation and their objections are summarised as follows:
 - a. the Nomination is not a valid community nomination;
 - b. the Nomination appears to be an abuse of the Asset of Community Value listing regime;
 - c. the Nominator has failed to give the Council sufficient reason to determine that the Nominated Land satisfies the community value criteria under s.88 of the Localism Act 2011.

Assessment

Validity of nomination

10. The Act (s89 2(b)) defines a community nomination as one that relates to land in a local authority's area, and has been made by an eligible body, listed in the Act as a parish council in respect to land in the parish council's area, a community council in the case of Wales and a voluntary or community body with a local connection. Regulation 6 requires evidence that the nominator is eligible, and in terms of the Act, Littlemore Parish Council meets the criteria in its own right.

11. With respect to the contents of the nomination, neither the Act nor the Regulations include requirements to demonstrate canvassing, motions carried or other actions to indicate internal decision-making processes or to show the level of community opinion regarding a nomination. Such information is not asked for with other nominations and as such there is no scope or justification to narrow down the definitions of a community nomination further than stated in the regulations. The nomination is therefore considered to be valid.

12. As the nominated area is under split ownerships, the ramifications of the nomination on each part would be addressed separately.

Retained Pub Land

13. The nominator has listed a number of activities and events that are hosted at the George Inn, which cater to the needs and well-being of the local community. The buildings and grounds forming the retained pub land can be used in a non-ancillary manner that provides facilities that can be used for specific activities, as well as the wider community for public and private events.
14. Given the fact that the pub is currently open, it is therefore agreed that it is realistic to think that there can continue to be a non-ancillary use of the building which will further the social wellbeing or social interests of the community.
15. There is no specified threshold of evidence in the Act or Regulations for nominations to meet in asserting that something is an asset of community value. The absence of extensive documentary evidence by itself would therefore not form grounds to reject a nomination. The objection does not appear to directly dispute or contradict that the activities listed in the nomination do take place or that the pub is a going concern with regular visitors. The point of contention is the frequency of use and whether or not any community functions are ancillary to the purposes of the premises.
16. It is not uncommon for pubs to be nominated and listed as assets of community value, the Council itself has listed a number of pubs ever since the Act was passed. The number of nominations is an indication of the importance that pubs have as meeting places, recreation venues and a feature that brings a sense of place and character to a locality. These characteristics are considered to in and of themselves bring about benefits by fostering social interaction and wellbeing on an individual and community level, which are deemed to meet the criteria as set out in the Act.

Rear Adjoining Land

17. Whilst the nomination has stated various uses and activities that took place on the land during its ownership by the pub, the main considerations at present would be the current usage of the land and the realistic prospect of its furthering community benefits in the near future.
18. The ownership of the rear adjoining land has been transferred by the pub owner to the current owners which to the best understanding of the Council was on the basis of a commercial decision. There is no indication from the pub owner that this transfer has affected the viability of the retained pub land as a going concern.

19. According to the full representation of the current landowner, the pub owner still has use of the land but this is specified as access and car parking only according to a temporary parking license granted by the current land owner, as well as conditions of the transfer agreement. On the basis of this limited scope of use, the car parking area is effectively ancillary to the functioning of the pub. Continued access and use of the land would be dependent on the observance of obligations contained within the agreements, and would end with 14 days' notice after any planning consent is granted. The representation indicated that some of the usage of the kind described in the nomination as having previously taken place on the land would be considered as a breach of obligations and potentially unlawful with respect to liability insurances.
20. The rear land is currently subject to a planning application that at the time of writing is awaiting determination. The landowner has indicated a willingness to bring the land forward for development on this basis or a subsequent application. It is noted that the current planning application does not involve works to the existing pub or any elements in the retained pub land.
21. The current arrangements based on the conditions of the ownership transfer and the associated temporary parking license would greatly limit the level of access and scope of permitted uses. Considering these factors it is reasonable to believe that the land does not readily lend itself to meaningful community use and is unlikely to do so in any foreseeable timescale.

Conclusion

22. Once all circumstances have been taken into account, the situation with the nominated area is fairly nuanced as there are parts of the land would meet the criteria for inclusion on the asset of community value register while others would not. A single decision covering the entire area would not be suitable as it would either deprive the local community of the potential benefits that could arise from listing or include an inappropriate area that would bring about no community benefits and be open to challenge.
23. The Council therefore considers it reasonable to partially accept the nomination as follows: the retained pub land, comprising the George Inn pub, the beer garden and other elements within the blue outline as shown on the attached map, are to be included on the register of local assets of community value, while the rear adjoining land, outlined in red on the attached map, is to be excluded.
24. While there is no provision made in the Section 90 of the Act for partial listing of a nominated asset, there is no express prohibition that would prevent taking this approach. Furthermore there is precedent of this approach in the form of decisions by other local authorities with respect to highly similar nominations as well as instances in case law.

Decision

I confirm that:

Nominated Asset: The George Inn Public House w/adjacent land to the rear
Site Address: 5 Sandford Road, Littlemore, Oxford

Should be partially listed as an Asset of Community Value. The specified area to be listed is the retained pub land as indicated in the blue outline on the attached map, and should be included on the City Council's Register of Local Assets of Community Value Register and placed on the Local Land Charge Register.

Name: Adrian Arnold
Title: Head of Planning Services

Signature:
Date:


14th July 2020

Background Papers: Nomination application, letters from the owners including appendices.

Contact Officer: Arome Agamah
Extension: 2360
Date: 14th July 2020

Appendix 1: Map of The George Inn Public House, 5 Sandford Road, Littlemore

