

**NEW FOREST DISTRICT COUNCIL  
LOCALISM ACT 2011**

**REVIEW OF LISTING AS AN ASSET OF COMMUNITY VALUE  
THE RED LION, MILFORD ON SEA**

**Decision of the Review Hearing held in Committee Room 1, Appletree Court,  
Lyndhurst on Monday 25 January 2016 at 10.30am**

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**1. HEARING THE REVIEW**

Mr R Jackson – Chief Executive

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**2. REPRESENTATIVES OF THE OWNER'S SIDE**

Mr M Gilks – Dutton Gregory Solicitors  
Mrs P Harding – Managing Director Questmap Ltd  
Mr A Madsen – Manager Havenbrae, part of Questmap Ltd

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**3. REPRESENTING THE NOMINEES**

Mr P Simpson – representing the Red Lion Supporters Group  
Mr D Payne – Chairman CAMRA, local branch.

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**4. OFFICERS ATTENDING TO ASSIST THE CHIEF EXECUTIVE**

Grainne O'Rourke – Executive Head Governance and Regulation  
Jan Debnam – Committee Administrator

Mr A Smith – Solicitor involved with the original decision to list the property as an asset of community value.

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**5. INTRODUCTION AND BACKGROUND**

- 5.1 The Localism Act 2011 (“the Act”) gives local groups a right to nominate a building or land for listing by the local authority as an “asset of community value”.
- 5.2 On 27 August 2015, the Council received an application to nominate The Red Lion, 32 High Street, Milford on Sea (“the property”) as an asset of community value. The nomination was made by a group called The Customers of the Red Lion (“the supporters”). The property is used as a public house, including a car park and large garden.
- 5.3 Questmap Limited are the owners of the property, which is presently occupied by tenants Stuart Grieves and Jayne Grieves.

- 5.4 On 20 October 2015 John Mascal, Executive Director, acting under delegated powers from the Council, accepted the property as an asset of community value pursuant to Section 88 of the Act.
- 5.5 The owner is entitled to seek a review of the decision pursuant to Section 92 of the Act provided the request is made within 8 weeks of notification of the decision. The request for the review was made within this time limit and is valid.
- 5.6 The review must consider, in particular, whether the nomination was valid, whether the property is an asset of community value and whether the property or part of the property should be excluded from listing pursuant to the Regulations.
- 5.7 The review comprises a review of written representations made by both the owner and the supporters and the oral representations made at the review hearing.
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## **6. SUMMARY OF THE RELEVANT LEGISLATION**

- 6.1 The Council must list the property as an asset of community value if, in the opinion of the local authority, 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
  - 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 (section 88 of the Act).
- 6.2 “social interests” can include cultural, sporting or recreational interests (Section 88(6) (b) of the Act).
- 6.3 Neither the Act nor the Regulations give an express definition of what use “furthers the social wellbeing or social interests of the local community”. It is for the local authority to decide depending on all the circumstances of a particular case.
- 6.4 Under the Act, land in a local authority’s area which is of community value may be included by a local authority in its list of assets of community value only in response to a “community nomination”. In England this must be made by a parish council or by “a community body with a local connection”.
- 6.5 The Assets of Community Value Regulations 2012 (“The Regulations”) define, in Regulation 5, a voluntary or community body. The expression refers to several types of legal institutions such as charities, industrial and provident societies and companies limited by guarantee but also includes, in Regulation 5(1) (c):
- “(c) an unincorporated body -
- i) whose members include at least 21 individuals, and
  - ii) which does not distribute any surplus it makes to its members.”
- 6.6 Reg 4 defines the local connection requirement. It stipulates, for an unincorporated body under Reg 5(1)(c) that:
- i) The body’s activities must be wholly or partly concerned with the local authority’s area or that of a neighbouring authority

- ii) Any surplus it makes must be wholly or partly applied for the benefit of one of those areas.
- iii) At least 21 of its members must be registered to vote in local government elections in one of those areas.

6.7 With regard to the requirements set out in paragraph 6.6 –

- i) The supporters indicated on the nomination form that they were an unincorporated body pursuant to Reg. 5(1) (c) of the Regulations.
- ii) The nomination states the activities of the supporters are to “seek the protection of their local...”.
- iii) The nomination states “no funds are involved”.

6.8 The nomination included a list of 26 members who confirmed they were registered to vote in the Council’s area. A check of the electoral register in force at the time the nomination was received has shown that at least 21 of these are registered to vote at local elections within New Forest District Council’s area and this was later confirmed by the Council’s Democratic Services Manager.

6.9 Schedule 1 of the Regulations lists various classes of assets which cannot be listed as assets of community value. Sch.1 para 1 excludes residential property. However where an asset which could otherwise be listed contains integral residential accommodation such as accommodation as part of a pub or a caretaker’s flat, the asset may be capable of being listed (Sch. 1 para 1(5) of the Regulations).

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## 7. SUMMARY OF THE OWNERS’ CASE

7.1 Mr. Gilks, (legal representative for the owner) set out the case for the owner in the written and oral representations. The representations concerned the validity of the nomination, whether the property was an asset of community value and whether part of the property should be excluded from the listing in any event.

### The validity of the nomination

7.2 Mr Gilks raised concerns as to whether all the persons purporting to nominate were on the electoral roll at the time of the nomination. However at the review hearing it was noted that the Council’s Democratic Services Manager has confirmed that at least 21 of the nominees were on the electoral roll at the time of the nomination.

7.3 Mr Gilks argued that the supporters are of insufficient capacity to make the nomination. Whilst the owners conceded that the phrase “unincorporated body” is a broad term which includes community groups of many descriptions (see *St Gabriel Properties Limited v LB Lewisham*<sup>1</sup>) the owners argued that the supporters were simply a group of retail customers or consumers, they were not representative of a coherent organisation, they were a group of individuals with no mutual understandings, rights or obligations or rules governing control and the membership was not clear or necessarily local. In short it is not enough for the group to be comprised of customers; they must show a common purpose, voluntary and community values and objectives. The owner stated that the supporters were essentially a consumer pressure group with no membership qualification requirements apart from being a customer of the Red Lion. There was no need for members to be local; members could be tourists so long as they visited the Red Lion. On the

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<sup>1</sup> Legal case references are contained in the owners written representations and will not be repeated in this decision

evidence the owners argued that the supporters' prime concern was to ensure that the Red Lion served "real ales" with local provenance in a quiet ambience, rather than to secure any wider community benefit, and the supporters had not demonstrated they had any wider voluntary or community objectives.

- 7.4 Mr Gilks also argued the supporters do not have a sufficient interest with the local authority's area and that the unincorporated body must have some common community or voluntary element to its activities in the local area to comply with Regulation 4 and this had not been demonstrated by the supporters. The owners argued that Regulation 4 (b) required any surpluses of the unincorporated body must be applied for the benefit of the local authority's area or that of a neighbouring authority. The owners argued that the supporters had not specified where surpluses would go and it was not enough to say there were no surpluses. There was also no evidence that any surpluses would be applied for a wider community benefit.

Is the property an asset of community value?

- 7.5 Mr Gilks argued that the test in Section 88(1) of the act was not made out. He maintained that supporters must show the primary use of the property is for community benefit, that such use "is not ancillary" and that it "furthers the social well-being or social interests of the local community". He maintained that the primary use of The Red Lion was as licensed premises for the consumption of alcohol and that any other uses were ancillary. Mr Gilks referred to the case of *Idsall School* to say that "Use A may properly be said to be ancillary to Use B if a comparison of the 2 reveals use A to be so minor or minimal as to make it unreal to equate the two uses for the purposes of Section 88". Mr Gilks referred to the case of *Patel v London Borough of Hackney* to say that not all pubs come within Section 88 (2) (b) of the Act.

- 7.6 Mr Gilks referred in written evidence to a number of other cases to show that on the evidence there was a primary use in addition to the primary use of licensed premises when making a decision to list:  
*Worthy Developments Ltd v Forest of Dean*: used as a meeting place by the Women's Institute and the Parent Teachers Association  
*Hawthorne Leisure Ltd v Northumberland County Council*: used by football club, over 60's club, quizzes;  
*Gibson v Babergh District Council*: clubs and bodies using the pub to further social activities in the recent past.  
Mr Gilks also referred to the planning case of *Harrods Ltd v Secretary of State for the Environment* as the correct approach to take when considering reasonable incidental activities.

- 7.7 Mr Gilks argued that the nomination of the property did not identify any additional primary uses or activities which meet the definition of community value. Mr Gilks maintained that although the sale of alcohol at The Red Lion may be a pleasant activity for customers, it is not enough that occasional meetings by some members of local bodies and use of the pub for drinking and eating serves the needs of the local community. For example:  
The "traditional" nature of the pub did not assist in meeting the statutory test. That the pub is "open to all" is normal for licensed premises and provided no particular community benefit.  
Suitable for "reading and quiet conversation" are not special activities.  
Proximity to Milford on sea beach is not relevant to community use.  
Use of piano was not attributed to any particular community group.  
The pub "supporting local breweries" was not a community benefit but a decision for the publican and does not promote social well-being.

- 7.8 Mr Gilks maintained that the supporters' nomination did not provide evidence of primary community uses. He submitted there was no evidence provided of village clubs and societies using The Red Lion as a meeting place for example. The Milford Arts Festival was a separate village event which did not directly involve local pubs.
- 7.9 Mr Gilks argued that The Red Lion was not "vital" to the life of the local community. There are a number of other pubs, bars and licensed premises within Milford on sea. There are many places in the village where community activities can take place and it is not necessary to protect such activities by listing The Red Lion as an asset of community value. This point was also made by Mr Harding in his evidence.
- 7.10 Mr Harding also provided a written statement and oral evidence. He confirmed that the owner owned a small chain of pubs marketed under the "Havenbrae" brand. The owners were committed to supporting the pubs it owns and had taken steps to improve (rather than close or redevelop) failing pubs such as the Ship at Woolston. The Red Lion was purchased with a sitting tenant with approximately 13 years left to run on the lease. The owners may seek to improve The Red Lion in collaboration with the tenant, for example by extending the provision of B&B facilities. The Red Lion is a listed building and there is no need to list the property as an asset of community value in order to protect it because it already had a significant protection through its listed building status and the planning regime.
- 7.11 Mr Harding stated in written evidence that he was not aware of any wider community use at The Red Lion. All the activities there related to the business of retailing food and drink from licensed premises and occasional room rents. The Red Lion is not a busy pub and if it failed it would have to close until the owners found new tenants.
- 7.12 Mr Harding was of the view that the listing as an asset of community value could reduce the value of the property by 30 – 40% and that the listing was detrimental to funding and the owners options for financial investment.
- 7.13 Mr Harding believed the nomination was prompted by the supporters' links to CAMRA and their campaign to promote real ales. The owners were willing to promote alternative ales and indeed had added 2 Hampshire breweries to its suppliers list. However it is unreasonable for the supporters to promote this campaign by listing The Red Lion as an asset of community value.
- 7.14 Mr Harding also believed the nomination was prompted by an unfounded concern that the owners intended to close The Red Lion and redevelop the site.
- 7.15 Mr Madsen gave oral evidence. He described The Red Lion as a cracking pub which was successful (although perhaps not "highly" successful). If the pub continued to be successful the owners could consider adding B & B rooms with the tenants' agreement and that overall the owners were looking to expand the Havenbrae chain.

#### Exception to listing

- 7.16 Mr Gilks contended that the residential flat above the pub should be excluded from any listing in any event because it was a separate part of the building and therefore fell within the exception of Schedule 1 Part 1(1) as a separate residential unit. The owners explained that access to the flat could be accessed internally from the pub (2 routes) or externally round the back. The flat was occupied by the landlord and landlady but it was not "necessary" for

them to reside there. However since the flat comprised part of the lease it made sense for them to do so.

- 7.17 At the hearing the owners withdrew an argument to exclude the garden area of the property from a possible listing.
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## **8. SUMMARY OF NOMINATORS' CASE**

- 8.1 Mr Simpson provided written and oral representations to the review hearing. Concerning the nomination, Mr Simpson explained that local residents had become aware of the sale of The Red Lion by Punch Taverns to the owners only after the sale had been completed in March 2015. This had raised concerns as to the long term future of the pub because of a perception that many pubs had been sold by the major pub chains to development companies wishing to close the pub and realise alternative development. As a result and following the sale, a group came together to nominate The Red Lion as an asset of community value to protect "their local". Mr Simpson argued that a group of more than 21 people from the local community made the initial nomination as a result of those concerns, as they are entitled to do. The fact that nominees are also by and large customers of The Red Lion is irrelevant. The nomination was clear that the nominating group did not have a surplus and the purpose of the group was confined to the local area since its purpose was to nominate The Red Lion as an asset of community value.
- 8.2 Mr Simpson contended that in furthering the social wellbeing or social interests of the local community it is not necessary for the property to be "vital" or for its activities to be "more than those ordinarily incidental". All that is required is that the property "furthers" the "social wellbeing or social interests" of the local community and it is realistic to contend that it will continue to do so. He argued that "further" simply means to help the progress of, develop or promote.
- 8.3 Mr Simpson contended that the primary activity of The Red Lion as a public house did further the social wellbeing or social interests of the local community and that it did so in a variety of ways:  
The Red Lion has a long history as a public house or inn at Milford on sea. The pub is used predominantly by locals of all ages and social groups within the community throughout the week, including families, couples, pensioners, dog walkers and visitors, as well of course as single and group drinkers. The majority of the customers are local, with additional outside visitors during the summer, especially from a local camp site.  
The Red Lion has a large beer garden with a number of outside tables and some good quality play equipment for children so as to be attractive to families.  
Specific community groups who have regular meetings or gatherings at The Red Lion include the local football club, a church youth group and the RNLI. The Red Lion has facilities for and hosts events such as birthday parties, wakes and special events which are available for hire by members of the community. It has a large function room available for that purpose, and recently hosted a party for the 60<sup>th</sup> birthday of a regular blind customer. The Red Lion provides a variety of social and recreational facilities such as a pool table, darts board, gaming machine and piano. Mr Simpson was not able to say whether The Red Lion had teams that participated in local leagues. Such facilities encourage social and recreational activities for different age and social groups within the local community  
The Red Lion has a regular Tuesday night quiz night which attracts patrons who are keen on pub quizzes. The quiz teams are often arranged at the time to make sure those who want to participate can do so.  
The Red Lion holds live music events and so far this year has had several such events on Sunday afternoons. The pub supports in particular local

musicians and the events are popular. A recent event featuring predominantly local musicians attracted a large number of customers and appeared to be very successful. Again such events provide social activities for different members of the community as well as providing a venue for local musicians. The Milford music festival is a popular annual event that takes place on the village green outside the pub. Although the pub does not directly support the festival financially, visitors to the event are allowed to purchase their drinks from the pub (and the other Milford pubs) in plastic glasses and move to and fro between the pubs and the event during the day.

The usual ambience of a quiet and homely atmosphere was in itself a community benefit since it provided that alternative atmosphere not provided by other licensed premises in the village.

- 8.4 Mr Simpson contended that the wide range of activities and facilities for all ages and social groups throughout the week plainly allowed the supporters to say that The Red Lion furthered the social well-being and social interests of the local community and that it would continue to do so.
- 8.5 Mr Simpson made a number of points concerning the acquisition of The Red Lion by the owners and pointing out their status as a development company. In general the supporters are concerned that the large pub chains had a policy of disposing of pubs within their chain to private development companies who may seek to exploit opportunities to redevelop the sites for alternative uses. The supporters believed The Red Lion was vulnerable to potential development.
- 8.6 Mr Simpson contended that nominations should be considered only in relation to the property being nominated. The fact there are other pubs or licensed premises in the village that may also meet the criteria is not relevant.
- 8.7 Mr Simpson made reference to an asset of community value listing removing permitted development rights for change of use and demolition and listing being a material planning consideration in planning decisions. Mr Simpson expressed the view that the listing of The Red Lion as an asset of community value as well as a listing in the CAMRA Good Beer Guide could actually increase its value as a pub. If the owners were concerned about the effect of the listing on value then it was an indicator that the owner wanted to redevelop the property for some other purpose.
- 8.8 Mr Simpson noted that Milford on sea Parish Council had offered support to the nomination which he believed provided another local endorsement of the view that the property furthered the social well-being and social interest of the local community.
- 8.9 Mr Simpson noted that access to the flat can be obtained either internally or externally round the back. Mr Simpson believed it was essential the landlord lived on the premises, a view challenged by the owners.
- 8.10 Since nomination, the nominating group "Customers of the Red Lion" had moved forward, adopting a written constitution, appointing officers and changing its name to "The Red Lion Supporters". Mr Simpson said there were now about 55 members and growing, The group provided more coherence and planning for events centred around the use of The Red Lion by the community.

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## **9. DECISION OF THE HEARING**

- 9.1 The owners are entitled to ask the Council for a review of the Council's decision to list The Red Lion as an asset of community value (Section 92 of

the Act). A senior officer of the Council not involved in the original decision must hear the review. Mr Jackson, the Chief Executive of the Council, is an appropriate senior officer and heard the review under delegated powers.

### Is the nomination valid?

- 9.2 The first issue to resolve is whether the nomination by the “Customers of the Red Lion” was valid. The Council must be satisfied that the nomination was made by a “voluntary or community body with a local connection” as described in the legal summary above.
- 9.3 Reg. 5 of the Regulations describes a number of qualifying voluntary or community bodies and at Regulation 5(1)(c) refers to an unincorporated body (i) whose members include at least 21 individuals and (ii) which does not distribute any surplus it makes to its members.
- 9.4 The case of *Hawthorn Leisure Acquisitions Ltd v Northumberland County Council* is particularly instructive as it covered many of the issues contained in this review. The judge in the *Hawthorn* case commented that Regulation 5(1)(c) was “a provision which seems designed to empower looser community groups”. In the case of *St Gabriel Properties Ltd v London Borough of Lewisham* it was also noted that “unincorporated body is a broad term which includes community groups of many descriptions”.
- 9.5 Reg. 4 of the Regulations defines the local connection requirement. It stipulates, for an unincorporated body under Reg. 5(1)(c), that (i) the body’s activities must be wholly or partly concerned with the local authority’s area or that of a neighbouring authority, (ii) that any surplus it makes must be wholly or partly applied for the benefit of one of those areas and (iii) at least 21 of its members must be registered to vote in local government elections in one of those areas.
- 9.6 The group “Customers of The Red Lion” is a loose community group formed with the intention of making a nomination to list The Red Lion as an asset of community value. The nomination was made with a degree of urgency because the nominators were concerned about the future of The Red Lion following its sale by Punch Taverns to the owners in March 2015. The nominators were concerned that the sale was to a company who are a property development company and as such was “particularly vulnerable”. The nominators confirmed on the nomination form they were an unincorporated body and provided a list of 26 individuals registered to vote in the local authority’s area. The Council has since confirmed more than 21 of those members are entitled to vote in the local authority’s area.
- 9.7 *Hawthorn* dealt with the argument about the meaning of an “unincorporated body” raised by the owners (for example by referring to the case of *Conservative and Unionist Central Office v Burrell (Inspector of Taxes)* by confirming the correct approach was to interpret the meaning of the words by reference to the statutory background.
- 9.8 *Hawthorn* went on to say (about the validity of a nomination made by an unincorporated body making an application to list a public house as an asset of community value) “In the very different statutory context of the Localism Act and the regulations, I agree with Northumberland’s reviewing officer that a local action group, forming itself perhaps for the specific purpose of making a community nomination, is not expected to turn its mind immediately to the drawing up of a formal constitution or set of rules or even to give itself a name before making a nomination. The requirement for 21 local individuals is sufficient to indicate strength of feeling”. There appears to be no great difference between the *Hawthorn* case and the circumstances of this review and so the approach in the *Hawthorn* case will be adopted here.



- 9.9 What of the requirement that the body should not distribute any surplus it makes to its members (Reg. 5) and that any surplus should at least partly be applied for local benefit (Reg. 4)? In the case of a local action group the requirement of Reg.4 should not cause a difficulty. In respect of Reg.5 it is clear from the nomination that the group did not have any surpluses at all. The owners raised concern that the supporters had no provision dealing with surpluses at the time of nomination and it was not enough to say there were no funds. However in the *St Gabriel* case (where it was noted that the branch constitution of the nominating party did not prohibit distribution of any surplus to members) the Judge commented: "There is no requirement for an unincorporated body within Reg. 5(1) (c) to even have a written constitution, let alone a further requirement that a particular clause be included".
- 9.10 Since the nomination it has been made clear to the Council that the body, now known as The Red Lion Supporters does not hold funds currently and that no future funds are permitted to be distributed to members (para 11 of the constitution document of The Red Lion Supporters). Any funds are to be applied in support of the aims of the supporters which are to preserve the use of The Red Lion, to assist its management to preserve and promote The Red Lion, to represent the views of The Red Lion users and to be a voice for The Red Lion. The *Hawthorn* case invited local authorities in these circumstances to seek assurances from the group that any surplus it does make are not distributed to its members and this has been satisfied.
- 9.11 The conclusion of the review therefore is that the nomination is valid.

Is The Red Lion an asset of community value?

- 9.12 A property can be listed as an asset of community value if a principal ("non-ancillary") use of the asset furthers the local community's social well-being or social interests (which include cultural, sporting or recreational interests") and is likely to do so in the future.
- 9.13 Plainly the principal use of The Red Lion is as a public house and this is not an ancillary use. The *St Gabriel* case is clear that "licensed premises are capable of furthering the social well-being and social interests of the local community". It is clear also that the possibility of listing pubs is within the scope of the Act – for example the Ministerial Foreword to the "Community Right to Bid: non statutory advice note for local authorities" starts in its first sentence "From local pubs and shops to village halls and community centres, the past decade has seen many communities lose local amenities and buildings that are of great importance to them".
- 9.14 Although The Red Lion has a reputation for being a high quality pub and is regularly featured in CAMRA's "Good Beer Guide", this is not determinative of whether the local authority should list the pub as an asset of community value. What matters is whether, in the local authority's opinion, the present use of the asset furthers the social well-being or social interests of the local community and that is likely to continue.
- 9.15 The local authority must make a listing decision based on local context and all the circumstances and it is not mandatory to list any pub that is nominated for listing. When considering whether a nominated asset furthers the local community's well-being, the local authority must consider the use of the asset and the role it plays within the local community. The Red Lion is a historic property and has been used as a public house or inn for many years. The Red Lion is a successful pub on the evidence of the owners and its customers are predominantly local albeit with additional visitors during the summer months, as one would expect in a seaside village. It provides a wide range of facilities which will cater for a variety of interests, ages and social groups over

the whole week and encourages social interaction across social groups and generations. There are recreational facilities for different age groups such as the darts board, a pool table and a gaming machine and good facilities for families and children. A number of regular activities take place from inclusive quiz nights, family functions and popular music events involving local musical talent. In addition the pub is used by local groups such as the local football club, a church youth group and the RNLI. It participates in and supports major local community events such as the Milford Music Festival. Whilst the evidence is that The Red Lion can be a quiet and homely pub, this can of itself provide a useful contrast and alternative provision to other licensed premises in the village. The owners provided no contradictory evidence to say these things did not happen and indeed proudly described The Red Lion as “a cracking pub” and a successful one.

- 9.16 The owners raised concerns about the effect on the property’s value of a listing. The supporters made opposing remarks that such a listing can enhance the reputation and therefore value of a pub. It is also the case that a sale of the property as part of the sale of the business as a going concern falls outside the scope of the moratorium provisions of the Act. No valuation evidence either way was provided, but in any event the effect on value (if any) on the property on listing is outside the scope of the listing decision.
- 9.17 The owners in their written representations sought to argue that even if the Council were to confirm the listing of The Red Lion as an asset of community value, the residential flat and part of the garden should not be listed pursuant to Schedule 1 para 1(1) of the Regulations. When assessing this argument the case of *Wellington Pub Company v The Royal Borough of Kensington and Chelsea* is relevant as it identifies that the local authority should consider the physical and the functional relationship of the residential accommodation to the remainder of the property. On the evidence it was clear that access to the flat can be gained either through the pub entrance itself or via an external entrance at the rear of the property next to the car park. The flat is occupied by the landlord and landlady and forms part of their lease. Whilst there was contradictory evidence as to whether it was “essential” that the landlord occupy the flat above the pub, it is clear that they do so and no evidence was presented that any other use for the flat was envisaged. There is a sufficient physical and functional relationship between the flat and the pub so as to treat the whole of these premises as comprising a building for the purpose of paragraph 1(5) which is only partly used as a residence. But for that residential use, the land in question would be eligible for listing as an asset of community value.
- 9.18 I am satisfied the Red Lion’s use as a pub is not an ancillary use and that the use furthers the social well-being and social interests of the local community. The Council’s original decision is therefore confirmed.

R JACKSON

**ACV Review Chairman: Mr R Jackson, Chief Executive NFDC**

**Date: 2 FEBRUARY 2016**

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**FOR OFFICE USE ONLY**

**Decision notified to interested parties on**