

Officer Decision Record – 30 April 2025

Old Granary Building and adjoining Storage Block, King's Yard, Fordingbridge SP6 1AB

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| Classification | Public |
| Decision taken | <p>It is recommended that you as Strategic Director Corporate Resources & Transformation, and Section 151 Officer, of the Council decide this Application pursuant to delegated powers as follows:</p> <p>In the opinion of the local authority, the actual current use of the <u>Old Granary Building</u> does further the social wellbeing or social interests of the local community, and it is realistic to think that there can be non-ancillary use of the Old Granary Building which will further (whether or not in the same way) the social wellbeing or social interests of the local community.</p> <p>It does therefore meet the criteria set out in the Localism Act 2011 to be eligible for listing.</p> <p>The application for the <u>Storage Block</u> should not be accepted as it does not further the social wellbeing or social interests of the local community, and it is not realistic to think that there can 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.</p> <p>It therefore does not meet the criteria set out in the Localism Act 2011 and so is not eligible for listing.</p> |
| Reasons for the decision | As set out in the report. |
| Consultations undertaken | See paragraphs 20-29 of the Report |

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| Finance and Resourcing implications | N/A – other than as explained in paragraph 19. |
| Legal implications | The need to comply with the relevant legislation in considering the application and the potential options of the landowner are addressed within the report. |
| Risk assessment | N/A |
| Impact assessment | N/A |
| Any conflict of interest by officer taking the decision | N/A |
| Decision taken by | Alan Bethune – Strategic Director Corporate Resources and Transformation (Section 151 Officer) |
| Background information | |
| Ward(s) | Councillor Phil Woods and Councillor David Millar - Fordingbridge, Godshill & Hyde |
| Portfolio Holder(s) | Councillor Dan Poole – Safety & Wellbeing (incl. Assets of Community Value) |
| Strategic Director(s) | Alan Bethune – Strategic Director Corporate Resources and Transformation (Section 151 Officer) |
| Officer Contact | Richard Davies Solicitor, Legal Services Tele: 02380 285298 Email: richard.davies@nfdc.gov.uk |

DECISION NOTICE

THE LOCALISM ACT 2011 SECTION 88

Decision on the nomination of an asset of community value

Old Granary Building and adjoining Storage Block - King's Yard, Fordingbridge SP6 1AB

I, Alan Bethune, Strategic Director Corporate Resources & Transformation, and Section 151 Officer of the District Council of New Forest, pursuant to delegated powers, have considered an application made by The Fordingbridge Museum Trust to nominate the Old Granary Building (housing the Fordingbridge Museum) and adjoining Storage Block, King's Yard, Fordingbridge SP6 1AB as an asset of community value. Having considered the application I have decided that the application for the Old Granary Building should be accepted for the following reasons:

In the opinion of the local authority, the actual current use of the Old Granary Building does further the social wellbeing or social interests of the local community, and it is realistic to think that there can be non-ancillary use of the Old Granary Building which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

It therefore does meet the criteria set out in the Localism Act 2011 and so is eligible for listing.

The application for the Storage Block should not be accepted as it does not further the social wellbeing or social interests of the local community, and it is not realistic to think that there can 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.

It therefore does not meet the criteria set out in the Localism Act 2011 and so is not eligible for listing.

Signed:



Alan Bethune

Strategic Director Corporate Resources & Transformation,
and Section 151 Officer

Dated: 30 April 2025

Introduction

1. This report relates to an application made to the Council by The Fordingbridge Museum Trust ("the Nominator") to nominate the Old Granary Building ("the Granary") and adjoining Storage Block ("the Storage Block") – together they will be referred to as "the Property" - King's Yard, Fordingbridge SP6 1AB as an asset of community value ("the Application"). The report reviews the Application, the criteria against which a decision must be made, the result of consultations and makes recommendations.

A copy of the Application is annexed to this report.

Background

2. The Application to nominate the Property as an asset of community value ('ACV') is made pursuant to the Community Right to Bid, arising out of the Localism Act 2011 ("the Act"). Under the Act, the Council must make a decision on the Application before 5 May 2025 which is 8 weeks from receipt of the nomination. If the Council accepts that the Application meets the criteria set down in the Act, the Property must be added to the Council's published list of ACV, registered as a local land charge and registered against the freehold title to the Property.
3. If the Property is listed as an ACV, the owner must notify the Council if they wish to dispose of the Property. The Council would notify community interest groups of the proposal. If such a group expresses an interest in the Property, a moratorium period of 6 months on the sale is imposed to allow the community interest group to prepare a bid and raise finance.
4. However, if there is a sale of the land on which a business is carried on, together with a sale of that business as a going concern e.g. still operating as a hotel/pub, then that disposal is exempt and is not affected by the moratorium requirements (section 95(5)(f) of the Act).

The application

5. The Application was made by the Nominator and was received by the Council on 10 March 2025. The Council is the proper decision-making authority to determine the Application and delegations have been granted to the Strategic Director to make a decision on the matter. The Application is valid under the criteria laid down by the Act and the Property is not one of the exceptions laid down in the Act.
6. The Nominator is a registered Charity (No. 1072427) and its Constitution was provided and attached. The Nominator's location in Fordingbridge, and in operating the Museum for nearly 25 years,

indicates the 'Local Connection' as required by the Act. The Nominator's form of organisation is included in the definition of those bodies which may make a 'community nomination', as defined in section 89(2)(b)(iii) of the Act ie "a voluntary or community body...". The Nominator is therefore entitled to make an application to list the Property as an ACV.

7. It is important to explain the slightly unusual nature of the Application as it is of note that the Granary is owned by Hampshire County Council ('HCC'), as indicated in the Application (registered under title HP272529) and for which the Nominator is a leaseholder, also as indicated in the Application. That lease is due to expire on 26 April 2027.
8. The Storage Block however, is already owned by the Nominator (title HP604208). The Council queried this point and also to ascertain its use, to which the Nominator responded in its email of 20 March 2025, saying "*The storage block behind the Museum building is indeed owned by Fordingbridge Museum Trust, and as such, is in a different category from the main museum building. We do not regard this as essential to the main ACV application, except insofar as we regard it as an integral part of the Fordingbridge Museum building complex, and it seemed more logical to include it, than to leave it 'outside'. The Storage Block is used for storage of museum artefacts and equipment, which are not, at any one time, capable of being incorporated into the main building displays. In this respect, it is regarded as an integral part of the Museum's storage capacity, on the King's Yard site*".
9. The Nominator provided HM Land Registry plans with red lined boundaries for both parts comprising the Property.
10. Other than the lease expiry date due to fall in 2027, there is no specific reason given in the Application to explain the basis of the nomination at this time.
11. In section B3 - Current use of the asset – it says "*To house Fordingbridge Museum – display areas, storage and work rooms*". It goes on to assert that it furthers the social wellbeing or cultural, recreational or sporting interests of the local community by listing how it is a historic former granary in the centre of Fordingbridge providing a source of local history 6 days a week April-October, staffed entirely by volunteers. Amongst other things, it provides monthly articles in local community magazines, provides guided tours for visiting groups, has over 120 local subscribing members, providing social interaction for the community. The Museum volunteers steward visitors in the summer months and in the winter they are "*curating, conserving and cataloguing the extensive collections of artefacts and photographs...[and]... All of these activities are planned to continue, and be expanded, in the future,*

particularly during and after the Museum celebrates its Silver Jubilee in August 2025".

12. As part of B3, the Application refers to the attached 13 letters of support from various local and other groups in the New Forest who each provide statements of support:
- Burgate school 6th form – *"...helps the young people of F'bridge value the town's history and invest in their community moving forward"*
 - Fordingbridge Flower Club – *"very important asset to our community and it needs to continue to be supported"*
 - Fordingbridge History Society – *"We support the application as the Museum building is a valued historic element in the town. The Museum also promoted history to local residents and especially children, and to visitors to the area...This is particularly relevant with the photographic collection"*
 - Fordingbridge Twinning Association – *"It is very important that anything relating to events held in the town can be preserved by our local museum...A tremendous asset for Fordingbridge"*
 - Hyde Parish Council – *"The need to have the Fordingbridge and surrounding parishes records kept safe and not lost. The accessibility is important as the HCC Record Office is 40 miles away and not easily accessed by public transport. Hyde Parish Council wish to support and acknowledge the work of the volunteers for the last 25 years"*
 - Breamore Parish (monthly parish magazine) – *"...The museum serves as a vital bridge between the area's protected landscape and its rich historical narrative, helping visitors and residents understand how human activity and natural forces have shaped the region over centuries. For visitors the museum provides essential context about how traditional practices like commoning and forestry have created the distinctive New Forest landscape they see today. For local residents, it serves as a repository of community memory and identity, preserving stories of how their predecessors lived and worked in harmony with this unique environment"*
 - Fordingbridge Events Committee – *"The Museum is an important part of our heritage that enables locals and the many visitors to Fordingbridge discover and learn about the history of the town, folk and surrounding area"*
 - Headteacher Fordingbridge Infant and Junior School Federation – *"Certain year groups and other groups of children have visited the museum in the past to enrich their knowledge of*

local history. The museum is an asset to our community and especially for disadvantaged children who are unable to leave the town. It provides cultural capital and experiences that they would not get."

- *Ringwood & Fordingbridge Lions Club – "History plays an important role in modern society and the museum fills the role of preservation of history"*
 - *Fordingbridge & District u3a – "The Fordingbridge Museum serves as a vital repository of our town's rich history and heritage... As a hub for community events and activities, the museum plays an essential role in bringing people together. It offers a welcoming space for residents and visitors alike, strengthening the sense of belonging and unity within Fordingbridge. The museum is one of Fordingbridge's key attractions, drawing visitors to the town and contributing to the local economy. Safeguarding the museum as an ACV ensures its continued role in inspiring and educating future generations"*
 - *Friends of Fordingbridge Surgery – "...It is incredibly important for future generations that they have access to the history of the town and surroundings areas. This is a popular tourist attraction within the town."*
 - *Hale & Woodgreen Community & Parish Magazine – "Many residents of Hale and Woodgreen visit and value the museum...The museum is housed in a historically significant building which should be preserved as an important asset for the future benefit of Fordingbridge and surrounding villages"*
 - *St Mary's Church, Fordingbridge – "Fordingbridge Museum are a real asset to the community, enabling local people to learn more about their town, but also being a valuable educational resource for local schools, and a tourist attraction. The museum is a great asset and we wholeheartedly support the museum"*
13. At section B6 – 'Further information' – the Application refers to how the *"...Museum enjoys widespread and active community support – from Fordingbridge Town Council, local shops, businesses and cafes, and other local voluntary societies"* and that it *"...is one of the key attractions bringing visitors into the town, and generating social benefits for local residents. As the town population expands, the Museum in this central location, reflecting the town's history, has an important role to play in integrating the new community of Fordingbridge, and enhancing the quality of life for future generations"*.

The Owner's Comments

14. The Council wrote to HCC by email of 13 March 2025 to notify it of the nomination and inviting comment, but it did not respond.

Legal power and delegations

15. The Council must consider the nomination and decide whether to list the Property as an ACV.
16. The Council has put in place delegated powers for a Strategic Director or Chief Planning Officer to make the decision in consultation with relevant heads of service and portfolio holder(s).
17. The legal criteria to make the decision are laid down in the Act and supporting Regulations. The Council must decide whether the Property is of community value.
18. The Property is 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. "Social interests" include cultural interests, recreational interests and sporting interests.
19. In the event of the Council deciding to list the Property as an ACV, the Owner can appeal against that decision, firstly to the Chief Executive and ultimately to the court (the First Tier Tribunal). The Owner is able to claim compensation for those losses and expenses which were unlikely to have been incurred in relation to the Property had it not been listed. This can include delays in entering into a binding agreement to sell the land which is caused by relevant disposals being prohibited by the regulations.

Consultations

20. A number of consultations have been made as summarised below.
21. The attempt to correspond with the Owner of the Granary is set out at 14 above.
22. The Nominator is the occupier of the Granary and the owner of the Storage Block and so did not require notification.
23. The Assistant Director for Governance (Monitoring Officer) was informed of the Application but did not respond.
24. Fordingbridge Town Council was notified of the nomination but did not respond.

25. The Strategic Director of Place Operations & Sustainability and the Strategic Director Housing & Communities respectively, were informed of the Application, but neither responded.
26. The Service Manager for Estates & Valuations was notified of the Application but did not respond.
27. Cllr Phil Woods and Cllr David Millar, as the Ward Members, were notified of the nomination. Cllr Woods responded to say, *"I am writing to formally endorse the nomination of The Fordingbridge Museum, located at the Old Granary Building and adjoining Storage Block, Kings Yard, Salisbury Street as an Asset of Community Value (ACV). The property has served as a vital resource to our community for many years and holds significant cultural and historical value for local residents and visitors alike."*

The Fordingbridge Museum is a unique space that preserves and showcases the rich heritage of the town, providing an invaluable service to our community. It is a place where people of all ages can come together to learn about the history and traditions of Fordingbridge, fostering a sense of pride and shared identity. The museum also plays an important role in local education, offering resources and educational programs for schools and community groups, making it an essential hub for learning and engagement.

In addition to its educational role, the museum acts as a social gathering space, hosting events, exhibitions, and activities that encourage community participation and cohesion. It brings together individuals from all walks of life and serves as a point of connection for those interested in preserving and celebrating our local heritage. Its presence enriches the cultural fabric of our town and contributes to the vibrancy and well-being of our community.

By designating The Fordingbridge Museum an Asset of Community Value, we can ensure its continued operation and protection for future generations. This designation would allow the community to have a greater voice in any future changes to the property and safeguard its role as a cornerstone of local culture and heritage.

I strongly support this nomination and urge you to consider The Fordingbridge Museum for inclusion on the list of Assets of Community Value. Its enduring importance to our town and its role in fostering a sense of community and local pride cannot be overstated." Cllr Millar did not respond.

28. The Nominator's website "Fordingbridge Museum" invites members of the public to *"Explore the rich history of Fordingbridge and the surrounding areas in one of the most stimulating and fascinating attractions in the town"* and also describes in the section "Outreach – For Schools" how it *"has established an excellent rapport with*

local schools in order to engage in a dialogue with the staff to explore ways in which the museum could enrich the learning experience of the pupils". This includes, amongst other things, loaning items to schools for history projects; visits to schools by museum staff (or by schools to the museum); accommodation of small temporary exhibitions designed by school children, and also "regular sessions during the year when pupils from local schools take over the Museum to show members of the public or their fellow pupils round".

29. The Application also included 13 letters of support from local bodies - Burgate school 6th form, Fordingbridge Flower Club, Fordingbridge History Society, Fordingbridge Twinning Association, Hyde Parish Council, Breamore Parish, Fordingbridge Events Committee, Fordingbridge Infant and Junior School Federation, Ringwood & Fordingbridge Lions Club, Fordingbridge & District u3a, Friends of Fordingbridge Surgery Hale & Woodgreen Community & Parish Magazine, and St Mary's Church Fordingbridge. These letters range from those extolling the importance of the history exhibited in the museum, to highlighting its significance in imparting knowledge of local history to children.

Conclusion

30. Before proceeding with conclusions on the evidence above, a reminder concerning the purpose of the ACV scheme might assist. As explained in the 'Background' section above, if land is listed as an ACV and the owner wishes to dispose of (ie sell) the property, such a disposal will, with certain exceptions, engage the moratorium provisions as set out in the Act (section 95) and would involve notification of community interest groups. In relation to the Granary, the Nominator seeks ACV status so that presumably, if the Owner decides to make such a relevant disposal that would be subject to those moratorium provisions with the resulting notice to community interest groups who may wish to raise a bid. However, as the Nominator already owns the Storage Block which is used for storage of 'museum artefacts and equipment,' in the context of this Application, it would be the Nominator's choice whether to sell to a community interest group (since ACV status does not force the owner to sell to community interest groups anyway).
31. However, the context of the Storage Block needs to be considered as it is clearly not used for the primary use ie as a museum, which begs the question whether it can qualify as an ACV under the provisions of the Act. The Nominator, in its email of 20 March 2025 confirms that it "*...is in a different category from the main museum building...[and]...We do not regard this as essential to the main ACV application...*" but goes on to say that "*...we regard it as an integral part of the Fordingbridge Museum building complex...*".

32. As mentioned above at 8 above, the Nominator describes the use of the Storage Block as *"...storage of museum artefacts and equipment, which are not, at any one time, capable of being incorporated into the main building displays."* Whilst the ability to utilise the Storage Block in this way may be considered by the Nominator as *"integral"* for the running of the Museum, this does not appear to directly further the social wellbeing of the community.
33. Section 88(1) of the Act provides a 2-stage test, which states that land is of community value *"if in the opinion of the authority-*
- (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"*

In considering s88(1)(a), any community value of the Property must be *"non-ancillary"*. Whilst this term has not been defined in any of the relevant statutory provisions, the reference text *"Assets of Community Value – Law and Practice"* (2017 edition - Simon Adamyk) states that *"...in the absence of a definition [of ancillary use], it seems reasonable to conclude that the term is being used in its usual sense, that is to say, as referring to a use which is supplementary or subordinate to some other (primary) use."* (4.47; p111).

34. Given that the Storage Block serves the use of the Granary as a museum, this appears to be an ancillary use. There is therefore no need to consider further whether it complies with s88(1)(b) of the Act as it falls at the first hurdle.
35. Turning to the nomination of the Granary – and the use of it as a museum – for the status of an ACV, the same legislative criteria as above must be applied.
36. In response to a query from the Council to explain how the Nominator utilised the three storeys of the Granary, the Nominator responded by email dated 25 March 2025 to say:
- "The Museum occupies all three storeys, although only the ground and first floors are open to the public (hence the website reference to two storeys). The three storeys are used as follows:-*
- Ground Floor: reception lobby, stewards' desk, shop and some museum displays;*

First floor: museum display areas, and kitchen (open only to museum staff);

Staircase – open to the public, with wall-mounted museum pictures and displays;

Second Floor (behind a chain with sign 'Private -= No Public Access' – museum workroom, with four other storage cupboards/ small workrooms off) lavatory (for museum staff use only), storage room housing the museum photographic archive."

37. Other than the museum's public areas on the first two floors, the Nominator's description of the second floor depicts an area which is part of the running of the museum ie facilities that include museum workrooms and a lavatory for staff, integral to the day-to-day operation ie non-ancillary (in contrast to the Block).

In Summary

38. From the information and evidence submitted by the Nominator, it is clear not only that the use of the Granary currently typifies a location of cultural interest for the local community, but also that the local community very much supports its use which can realistically be expected to continue in the future.
39. Therefore, whilst the whole of the 'Property' – that is the Granary and the Storage Block – does not, as a whole, qualify as an asset of community value, the Granary ie the museum, does meet those requirements.
40. Consequently, when the Application is considered with the evidence and information referred to above, this indicates that the Granary does fulfil the criteria for listing summarised in paragraph 18 above. Therefore, for the reasons explained, the Application for that part of the Property does appear to meet the legal criteria set out in the Localism Act 2011 for the Council to accept the nomination.

Recommendation

41. It is recommended that you as Strategic Director Corporate Resources & Transformation, and Section 151 Officer, of the Council decide this Application pursuant to delegated powers as follows:
- (1) In the opinion of the local authority, the actual current use of the Old Granary Building does further the social wellbeing or social interests of the local community, and it is realistic to think that there can be non-ancillary use of the Old Granary Building which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

It does therefore meet the criteria set out in the Localism Act 2011 to be eligible for listing.

The application for the Storage Block should not be accepted as it does not further the social wellbeing or social interests of the local community, and it is not realistic to think that there can 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.

It therefore does not meet the criteria set out in the Localism Act 2011 and so is not eligible for listing

Appendices/ Background Papers:

- Application by Fordingbridge Museum Trust dated 10 March 2025 (including letters of support) and emails dated 20 and 25 March 2025
- Fordingbridge Museum Trust Constitution (approved 16 November 2023)