

## Officer Decision Record – 14 May 2025

### United Reformed Church, Salisbury Street, Fordingbridge SP6 1AB

Classification	Public - Lists of assets must be published by virtue of paragraph section 94 of the Localism Act 2011
Decision taken	<p><b>It is recommended that you as a Strategic Director, Corporate Resources &amp; Transformation and Section 151 Officer of the Council decide this Application pursuant to delegated powers as follows:</b></p> <p><b>1. In the opinion of the local authority, there is not 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 social interests of the local community, and it is not 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) the social wellbeing or social interests of the local community.</b></p> <p><b>It does not therefore meet the criteria set out in the Localism Act 2011 to be eligible for listing.</b></p>
Reasons for the decision	As set out in the report.
Consultations undertaken	Details of internal/external consultations undertaken are in the report, including with the relevant Portfolio Holder and Ward Councillors.
Finance and Resourcing implications	<b>N/A - Other than those explained at paragraph 24</b>
Legal implications	As set out in the report.
Risk assessment	<b>N/A</b>
Impact assessment	<b>N/A</b>

Any conflict of interest by officer taking the decision	<b>N/A</b>
Decision taken by	Alan Bethune – Strategic Director Corporate Resources and Transformation (Section 151 Officer)
Background information	
Ward(s)	Cllr David Millar and Cllr Phill Woods - Fordingbridge, Godhill & Hyde Ward
Portfolio Holder(s)	Councillor Dan Poole – Safety & Wellbeing (including ACVs)
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**

#### **United Reformed Church, Salisbury Street, 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 Fordingbridge Arts Network, nominating United Reformed Church, Salisbury Street, Fordingbridge SP6 1AB as an asset of community value. Having considered the application I have decided that the application should not be accepted for the following reasons:

In the opinion of the local authority there is not 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 social interests of the local community, and it is not 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) the social wellbeing or social interests of the local community.

It therefore does not meet the criteria set out in the Localism Act 2011 to be eligible for listing.

Signed:



Alan Bethune

**Strategic Director Corporate Resources &  
Transformation, and Section 151 Officer**

Dated: 14 May 2025

# **Application to nominate the United Reformed Church, Salisbury Street, Fordingbridge SP6 1AB**

## **Introduction**

1. This report relates to an application made to the Council by Fordingbridge Arts Network ("the Nominator") to nominate the United Reformed Church, Salisbury Street, Fordingbridge SP6 1AB ("the Property") 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 12 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 owners 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. continuing to operate as a pub, then that disposal is exempt and is not affected by the moratorium requirements (section 95(5) (f) of the Act). In those circumstances, the owner would not have to advise the Council of the sale.

## **The application**

5. The Application dated 15 March 2025, was received by the Council on 17 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. Presumably due its concerns in urgently submitting the Application "*...as the building has recently closed*" (Nominator's email dated 15 March 2025 accompanying the Application), the initial Application omitted several items of necessary information. At section A5 in response to the request in the form for confirmation and evidence that any surplus "*...made by the group is wholly or partly applied for the benefit of the area covered by New Forest District Council*", the reply was 'N/A'; at section A6 in response to a request for confirmation that "*at least 21 members are included in New Forest District Council's register of electors*", 'TBA' was entered; and at A7 there was no information provided to establish the basis of '*your organisation*' (e.g. articles of association or standing orders).
7. By its email of 26 March 2025, the Council invited the Nominator to complete its Application so that it could be properly considered. The Nominator replied on 26 March 2025 (email attached) to say that "*We are aware of the gaps in our application. We are a recently formed network of established arts and culture groups seeking to advance awareness of Fordingbridge as a thriving arts community and were in the process of formulating a governance structure, when the sudden need to act concerning the URC building came about*". In response to the invitation to provide the requisite further information, the Nominator re-submitted the Application on 4 April 2025 with sufficient information to be processed. Therefore, the Application upon which this report is based and the copy that is attached, is the latter, revised, version of the Application.
8. The Nominator is an unincorporated body comprising more than 21 local individuals who are on the Electoral Register for the District. A copy of the body's 'Terms of Reference' is attached to the Application. Whilst the Terms of Reference do not address the point, the Nominator's Chair-person confirmed that it is non-profit making and any surplus is wholly applied to activities in support of the aims of the association.
9. The Nominator's Terms of Reference and stated aims, together with the locally based members, indicate the necessary 'local connection' which 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). The Nominator is therefore entitled to make an application to list the Property as an ACV.
10. In section B7 of the Application, when asked for details of the owner, the Nominator refers to attached title documents. These comprise of an HM Land Registry red-lined title plan and title register showing The United Reformed Church (Wessex) Trust Ltd as the registered owner

11. The title for the relevant land shows the Property (No. 41) together with The Old Manse (No. 39) but the Application confirmed that *"This building [The Old Manse] is not part of our listing request."*
12. The basis of the Application is that *"Until it closed recently, the URC building provided an important space for community events in Fordingbridge. Arts organisations value the capacity and acoustics of the building, needed for a range of cultural activities including exhibitions, concerts and performances. There is no other building in Fordingbridge that can meet these requirements. The building is no longer a church and is no longer available as a venue"*.
13. Section B3 states that the Property is not currently used for community benefit: *"The building is not being used. It has closed"*. In its own investigations on 31 March 2025, the Council carried out internet searches on the Property and the only information it could glean were from Owner's own Facebook excerpts stating *"Closure at the church's AGM on Tuesday 20<sup>th</sup> August, the members of Fordingbridge United Reformed Church voted unanimously to begin the formal and legal..."* (the actual Facebook entry was not accessed); another saying *"We officially closed as a church on 31<sup>st</sup> December 2024"*; and also that *"...the building is secured; the property reverts to the Wessex Synod of the United Reformed Church and the future of the building is now their responsibility..."*
14. At section B4 the Application confirms that it was an asset used for community benefit in the recent past. For further details requested in relation to how it was used in the past; and how it is anticipated the asset could return to furthering the social wellbeing of the local community, the form directed the Council to documents attached to the Application form (referred to below). In response to the question of a realistic estimate of when it could be returned *"to furthering the social wellbeing or cultural, recreational or sporting interests of the local community (please include timescales)?"*, it replies *"As soon as possible"*.
15. We are again referred to the attached submission for *"further information to support why you feel that New Forest District Council should conclude that the asset is of 'community value'"*.
16. In the attached submission it states that *"Fordingbridge Arts Network is a collective of 24 arts and cultural groups in Fordingbridge. Total membership of the groups is about 646 and engagement with audiences is around 16,800 per year"*.
17. The Nominator's member groups are listed as Fordingbridge Art Club, Friday Painters, Fordingbridge Dance Studios, Regal Cinema, Friends of Fordingbridge Museum, Fordingbridge History Society, Storytelling Group, Fordingbridge Choral Society, Fordingbridge Folk Club, One Voice Choir, Avon Valley Concerts, The New Forest Jazz

Workshop, Flamin Ukes, Hyde Band, Poetry Club, Fordingbridge Players, Fordingbridge Musical Theatre Choir, Fordingbridge Comedy Club, Fordingbridge Entertainment Society, Victoria Rooms, Avonway, Burgate School, Forres Sandle Manor School, and Avon Valley Churches.

18. There are messages of support from numerous organisations

- Fordingbridge Art Club - it supports listing as an ACV as it *"will benefit a wide range of arts and cultural activities across the town."*
- Friday Painters Group – it is in *"support [of] the listing of the URC building as an asset of community value."*
- Fordingbridge Museum Group – expresses its *"...wholehearted support for the Nomination... We consider the URC church building to be a unique historic asset to the town of Fordingbridge, representing an important era in the town's religious history, as well as being, until recently, very well used by a variety of community groups for activities vital to the cultural life of the town..."*.
- Fordingbridge History Society – *"...supports the proposed listing of the URC building..."*
- Fordingbridge Players – *"...support the listing of the URC building as an asset of community value. As Chair of Fordingbridge Players I am very conscious that we struggle with finding venues for our usual twice-yearly shows in the town."*
- Fordingbridge Comedy Club – *"...supports the listing of the URC building as an asset of community value..."*.
- Fordingbridge Musical Theatre Choir – *"...As a member of Fordingbridge Arts Network, FMTC supports the listing of the URC building as an asset of community value due to the unique space it provides as both a rehearsal and concert venue in Fordingbridge. The acoustics of this building are unrivalled in the town, and the facilities it provides enables its use as a valuable concert venue. If this bid is successful the 80 members of FMTC would be pleased to use the URC as both a weekly rehearsal venue, and for termly choir concerts, where we envisage the audience capacity to be 120 on each occasion. We would also be pleased to see the building used for Avon Valley Concerts (<https://www.avonvalleyconcerts.com>) which we would support. Since it closed, we are sad that the prestigious Avon Valley Concert Series is no longer able to hold any of its concerts in Fordingbridge..."*

- Fordingbridge Choral Society – *“Until its recent closure, Fordingbridge Choral Society rehearsed regularly in the URC, it has amazing acoustics and provides an excellent space for concerts and other community events. It would be marvellous to see this important and wonderful building used for all the members of our community who participate in the arts in many different ways.”*
- Hyde Band - *“On behalf of the Hyde Band Fordingbridge (40 playing members) we would like to list the United Reform Church as an important building to the community of Fordingbridge.”*
- One Voice Choir - *“I’m emailing you to say how much we regret the closure of the URC. It was our “home” for at least 10 years. We are One Voice Choir comprising 45 members. We rehearsed there each week and gave concerts two or three times a year, as well as using the building for some of our social get togethers. The building is perfect for a choir of our size. I also occasionally used it for my Wessex Folk Orchestra, for rehearsals and performances.”*
- Two Bands and a Folk Trio - *“We run three bands, two 10-piece bands and a folk trio. We would use the URC building if it were available as we currently perform at the Meeting Rooms in Ringwood. In total, all three bands play at 40 events per annum, with audiences of about 50 people per event.”*
- Burgate School – The Headteacher affirmed the school’s support in *“...the listing of the URC building as a community asset building in order to promote Art and Culture in the community. Access to Art and Culture plays a vital role in enhancing a community’s appreciation and understanding of the Arts and, as a consequence, human nature...”* and which *“...for the school, such a resource on our doorstep would provide many wonderful opportunities for collaboration and to enable our students to appreciate further the Arts in a local context.”* The Head of Photography at the school stated that it would *“...support spaces that champion and deliver the vital resources fundamental to the continuing development of Art within our community.”* The Head of Music supported the listing as *“...An external venue for performing would be hugely motivating for students and would provide the opportunity for students to share the positive contribution to the wider community.”* The 3D Design teacher asserted that *“...A dedicated creative space in Fordingbridge would not only provide opportunities for students to develop confidence and express themselves through Art, Music, Theatre, 3D Design, Sculpture, Photography, and Fine Art, but also allow them to connect with the wider community.”*

- The Avonway Community Centre supported the application as *"...Avonway Community Centre does not have the quality of acoustics found in the URC."*

### **The owner's comments**

19. The Council wrote to The United Reformed Church (Wessex) Trust Ltd ("the Owner") by letter of 26 March 2025 to notify it of the nomination, but did not receive a response.

### **Legal power and delegations**

20. The Council must consider the nomination and decide whether to list the Property as an ACV.
21. 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).
22. 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.
23. The Property is of community value if (for the purposes of this Application where the Property is not currently land of community value), in the opinion of the local authority 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 social 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) the social wellbeing or social interests of the local community. "Social interests" include cultural interests, recreational interests and sporting interests.
24. 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**

25. A number of consultations have been made by informing them of the Application and are summarised below.
26. The correspondence to the Owner is set out in paragraph 19 above.

27. At the time of the Application, the Property was closed and so there was no lawful "Occupier" of the Property to contact.
28. The local council, Fordingbridge Town Council was informed of the Application but did not respond.
29. The Assistant Director for Governance (Monitoring Officer) was informed of the Application but did not respond.
30. The Strategic Director of Place Operations & Sustainability and the Strategic Director Housing & Communities respectively, were informed of the Application but did not respond.
31. The Service Manager for Estates & Valuations was notified of the Application but did not respond.
32. Portfolio Holder for Safety & Wellbeing (including ACVs) Cllr Dan Poole was notified but did not respond.
33. The Ward Members, Cllr Phil Woods and Cllr David Millar were notified of the nomination and Cllr Woods responded to say, "*...the application to list the United Reform Church in Fordingbridge from the Fordingbridge Arts Network is one I also formally endorse. Many of the arguments I put forward in support of the [Fordingbridge] museum could equally apply for this historic building and I believe the attachment from Fordingbridge Arts Network speaks for itself. Therefore, I strongly support this nomination and urge you to consider The United Reform Church Building for inclusion on the list of Assets of Community Value. Its enduring importance to the history of our town, the role it has played and will play in fostering the art and culture of the town and surrounding area cannot be overstated. As well as providing a vital resource to the residents of Fordingbridge and their social well-being. Once again, thank you for your consideration and I am sure the Fordingbridge Arts Network and Town Council would be happy to provide you with further information or support in any way necessary.*" Cllr Millar did not respond.
34. In an internet search, there are entries that show that in 1823 the URC replaced an earlier independent Church which had been founded on the site in about 1665. The HM Land Registry title states that "*The land was formerly leasehold under a Lease dated 7 August 1695 for 1,000 years from 8 August 1695 at the rent of one peppercorn.*"
35. In response to the Council's question as to use of the Property by supporters of the Application, the Nominator responded by email of 30 April 2025 (attached), to say "*A wide range of community organisations including art and cultural groups had regularly used the church building and, in particular, for performing arts groups no other suitable venue exists in Fordingbridge. As regards funding its*

*acquisition, needs to be funded by someone or some organisation. The role of FAN is highlight its existence as an asset of community value."*

36. In the same email the Nominator addressed the Council's query as to the Owner's intentions concerning continued use of the Property by FAN – *"The owners have made no indication that anyone can use the building now, of for the foreseeable future."*
37. When subsequently asked to clarify on when the Property was used by those supporters, the Nominator replied by email of 1 May 2025 to say *"the answer is every week"* (email attached).

### **Conclusion**

38. In assessing the Application – and as the Property has been closed since 2024 - section 88(2) of the Act must be considered (as opposed to s.88(1)). This provision is engaged when the relevant building or other land is **not** currently land of community value but has been in the recent past. This provides a 2-stage test, and states that land is of community value *"if in the opinion of the authority:-*
  - (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 social interests of the local community, **and** [emphasis added]*
  - (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 which would further (whether or not in the same way) the social wellbeing or social interests of the local community"*.
39. When considering the use of the Property in conjunction with s88(2)(a), the letters of support depict some use by the local bodies of Fordingbridge which furthered the social wellbeing/social and cultural interests of the local community. However, that on its own is not enough to meet the legal test which also requires an assessment of how that use is adjudged i.e. is it a primary use or ancillary use?
40. In the absence of evidence to the contrary, the primary use must undoubtedly have been a church and place of worship for the Owner. From the messages of support for the Application, there are many examples of the respective organisations stating that if the Property were listed as an ACV, they would intend to utilise the Property for the particular social or educational interest.
41. Of those bodies that specifically describe previous use, Fordingbridge Choral Society said it *"rehearsed regularly"* there;

and One Voice Choir said how it was their “‘home’ for at least 10 years...We rehearsed there each week...gave concerts two or three times a year, as well as using the building for some of our social get togethers”.

42. Otherwise, specific detail of previous use is lacking and without any comment from the Owner as to how it viewed and dealt with requests by local organisations, it seems inevitable that the community’s use of the Property was ancillary to its primary use as a church and place of worship.
43. To reiterate, s88(2)(a) of the Act, any community use 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)
44. Also, in its email of 30 April 2025, the Nominator confirmed that, if the Owner were to seek to dispose of the Property, there were no current plans of the Nominator to be part of a community bid for the Property: “*As regards funding its acquisition, needs to be funded by someone or some organisation. The role of FAN is highlight its existence as an asset of community value*”
45. In the same email it said that “*The owners have made no indication that anyone can use the building now, of for the foreseeable future.*”
46. This therefore also begs the question as to the second limb of s88(2), namely sub-clause (b) i.e. is it “*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 which would further (whether or not in the same way) the social wellbeing or social interests of the local community*”?
47. The Nominator is concerned that the Property is about to be sold but, without any extant intention for a community bid, it does not currently seem realistic to think that the Property would be bought and then owned or ‘donated’ in such a way that the primary use of the Property would be for the social or cultural interests of the local community (as is hoped for in the messages of support in the Application).
48. The Act’s requirement for non-ancillary use is the issue upon which the Application must ultimately fail, as the evidence is that the use in the recent past was ancillary to the primary use as a church.

## **In Summary**

49. Whilst in the recent past there is evidence of use that furthered the social and cultural interests of the local community, that use appears to have been ancillary to the primary use of religious worship. This therefore means that the Application must fall at the first compliance hurdle of s.88(2)(a). Furthermore, whilst it is a secondary point, it also seems unlikely that the Application could comply with s.88(2)(b) in that it is not realistic to think that there could be non-ancillary use in the next 5 years for the reasons explained in paragraphs 44-47 above.
50. Consequently, when the Application is considered with the evidence and information referred to above, this indicates that the Property does not fulfil the criteria for listing summarised at paragraph 23 above. Therefore, for the reasons explained, the Application does not appear to meet the legal criteria set out in the Localism Act 2011 for the Council to accept the nomination

## **Recommendation**

51. It is recommended that you as a Strategic Director, Corporate Resources & Transformation, and Section 151 Officer, of the Council decide this Application pursuant to delegated powers as follows:

In the opinion of the local authority, there is not 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 social interests of the local community, and it is not 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) the social wellbeing or social interests of the local community.

It therefore does not meet the criteria set out in the Localism Act 2011 to be eligible for listing.

### **Appendices:**

Application by Fordingbridge Arts Network (including members' signatory list) dated 4 April 2025 and emails dated 26 March, 30 April and 1 May 2025

Fordingbridge Arts Network  
'Terms of Reference'