

Officer Decision Record – 19 June 2025

Railway Hotel, (formerly The Augustus John public house), 116 Station Road, Fordingbridge, Hants SP6 1DG

Classification	Public - Lists of assets must be published by virtue of paragraph section 94 of the Localism Act 2011
Decision taken	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, whilst the actual current use of The Railway Hotel or other land does further the social wellbeing or social interests of the local community, the land is exempt as stated in Schedule 1 of the Assets of Community Value (England) Regulations 2012 and is not of community value and therefore may not be listed. It does not therefore meet the criteria set out in the Localism Act 2011 to be eligible for listing.
Finance and Resourcing implications	N/A
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)	Fordingbridge, Godshill & Hyde
Portfolio Holder(s)	Councillor Dan Poole – Community, 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 Tel: 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


The Railway Hotel, (formerly The Augustus John public house), 116 Station Road, Fordingbridge, Hants SP6 1DG

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 'Save the Railway (Ashford)', nominating The Railway Hotel, (formerly The Augustus John public house), 116 Station Road, Fordingbridge, Hants SP6 1DG as an asset of community value. Having considered the application I have decided that the application should be refused for the following reasons:

In the opinion of the local authority, whilst the actual current use of The Railway Hotel or other land does further the social wellbeing or social interests of the local community, the land is exempt as stated in Schedule 1 of the Assets of Community Value (England) Regulations 2012 and is not of community value and therefore may not be listed.

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: 19/06/2025

Application to nominate The Railway Hotel, (formerly The Augustus John public house), 116 Station Road, Fordingbridge, Hants SP6 1DG

Introduction

1. This report relates to an application made to the Council by 'Save the Railway (Ashford)' ("the Nominator") to nominate The Railway Hotel, (formerly The Augustus John public house), 116 Station Road, Fordingbridge, Hants, SP6 1DG ("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.

The Property was previously placed on the ACV list, under its previous title 'The Augustus John', on 6 January 2016 and has been removed from the ACV list on 5 June 2025 following expiry of the 5-year listing period.

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 1 July 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(s) 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 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 was made by the Nominator, and was received by the Council, on 6 May 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.
6. 'Save the Railway (Ashford)' is an unincorporated body comprising more than 21 local individuals who are on the Electoral Register for the District.
7. The nominating unincorporated body merely has to demonstrate a local connection (which the Regulations define as having members registered to vote in the District or a neighbouring District) – i.e. the members of the unincorporated group do not have to be local to the pub in the sense of being physically proximate to it. In any event, the listed nominees have addresses in the immediate locality.
8. A copy of the body's Terms of Reference is attached to the Application in which it states that "*...The group will not collect any membership fees and will not accept donations*" and so therefore the Nominator is not profit making.
9. The Nominator 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. The Nominator provided a copy Land Registry plan of the Property with red lined boundaries showing the title plan for HP699617. This plan also showed that, from the Property, some land had been removed (outlined in green) which comprises HP837109. There was no indication as to which specific title of these two the Application referred. Nor was there any information provided in respect of any 'Lawful occupiers' – for which, at section B7, the Nominator said 'Not known'.
11. Also, in section B7 the Nominator stated that the owner is 'Railway Hotel Fordingbridge Ltd', with registered office of 11 Glasshouse Studios Fryern Court Road, Burgate, Fordingbridge, England, SP6 1QX.
12. However, when the land and ownership was investigated during the Council's review of the Application, it was noted that the proprietor for title number HP699617 is Select Country Inns Ltd of Ashford Mill, Station Road, Fordingbridge; and for title

- HP837109, the proprietor is Larasian Ltd of the same registered address as Railway Hotel Fordingbridge Ltd in paragraph 11 above. This issue was raised with the Nominator by email and was asked to confirm (i) which land is the subject of the nomination; and (ii) who the owner of the relevant land is.
13. By email of 28 May 2025 (attached), the Nominator stated that *"The land (Railway Hotel, 116 Station Road, Fordingbridge) subject to the nomination is parcel HP699617. The owner of the property is Select Country Inns Ltd of Ashford Mill"*.
 14. The Nominator's description of the Property at section B2 of the Application says: *"The Railway Hotel is situated on the Junction of Station Road/Ashford Close and consists of Building used as a public house with accommodation above, kitchen and dining area, accommodation in converted coach house at rear, ancillary buildings, patio area and adjacent customer car parking area"*.
 15. At section B3 it refers to the Property as a *'Public house with accommodation'* and that it is currently used for community benefit and was previously listed as an ACV *'when operating as 'The Augusts John'...*. It lists those events at the Property as having a *'regular quiz night'* and *'regularly hosts a book club (August Park) and foreign language lessons'*; also that it *'...is the only pub in the village of Ashford'*.
 16. As part of the Application, the Nominator included at Appendix 2, statements of support from the 23 members named in the body of the Application at section A6 - *'Membership of unincorporated bodies'*. Of those members, most were very long-lasting customers (1 of 52 years; 5 of 40+ years; 1 of 30 years; 2 of 25+ years; 4 of 20-23 years; 5 of 9-15 years; 1 of 'many years' and the remaining 4 customers of 3-5 years). Subsequently, the Council received a further 5 emails separately in support of the nomination (4 specified their addresses which were local and one didn't provide those details).
 17. Several of these Nominator's members attest to how the Property has been a *"community hub"* for many years; that they have taken part in the regular events including quiz nights; how *"Each member of my family belonged to the darts team"*; that they *"...held my 50th and 60th birthday celebrations there, my daughter her 18th, 21st and 30th parties...venue for the wake of my father-in-law"*; and that it *"...is essential to the well being of the community..."* and that *"...It has a great sense of community."* More than one states their concern that it is the only pub in Ashford and would require a commute to get to the nearest pub.

Concern is voiced about losing their “*local*” and that “*To lose this would leave a void within our community*”.

The owner’s comments

18. The Council wrote to Select Country Inns (‘the Owner’) by letter of 27 May 2025 to notify it of the nomination. No response was received.

Legal power and delegations

19. The Council must consider the nomination and decide whether to list the Property as an ACV.
20. 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).
21. The legal criteria to make the decision are laid down in the Act and supporting Assets of Community Value (England) Regulations 2012 (‘the Regulations’). The Council must decide whether the Property is eligible and of community value.
22. 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.
23. 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

24. A number of consultations have been made by informing parties about the Application and are summarised below.

25. The notification sent to the Owner is described at paragraph 18 above.
26. Notification was also sent to the Property, addressed to the "Occupier" of the Property, to which no response was received but, as the Property has been closed for a period due to refurbishment (see below), this is not unexpected.
27. Fordingbridge Town Council were notified and responded to say that it *"supports the nomination of the Railway Hotel (Formerly the Augustus John public house), 116 Station Road, Fordingbridge ('the Property'), as an Asset of Community Value ('ACV') under the provisions of the Localism Act 2011. It is an historic building with community value as a pub, and is the only social outlet in that part of the town."*
28. The Legal Service Manager was informed of the Application but did not respond.
29. The Strategic Director of Place Operations & Sustainability and the Strategic Director Housing & Communities were informed of the Application respectively, but did not respond.
30. The Estates & Valuations Manager was notified of the Application but did not respond.
31. Portfolio Holder for Safety & Wellbeing (including ACVs) Cllr Dan Poole was notified but did not respond.
32. Cllr Phil Woods and Cllr David Millar, as the Ward Members, were notified of the nomination. Cllr Woods responded to say, *"Over the decades, it has served not only as a public house but also as a vital social hub for Fordingbridge."*

The Railway Hotel has hosted countless community meetings, family gatherings, and informal social connections. Its welcoming environment fosters social cohesion and supports the wellbeing of all ages. The loss of this facility would represent significant blow to community life, especially given the limited number of alternative venues in the area that serve such an inclusive purpose.

Given its long-standing role and potential for further community use, I believe The Railway Hotel meets the criteria for ACV designation under the Localism Act 2011.

Not only is this nomination supported by me but also by Cllr. David Millar, Cllr. Pete White, Mayor of Fordingbridge and Fordingbridge Town Council. Therefore, I urge New Forest District

Council to support the nomination and help ensure the future of this important local asset."

33. Cllr Millar replied to say *"I am very pleased that this group has been established by the local community, and extremely happy to support the application. I see that...[Cllr Woods]...has also responded positively.*

The building is architecturally interesting, having had the original Victorian features restored, including inlaid stone signage showing its heritage as a public house and hotel constructed by the Dorchester brewer, Eldridge Pope. It also serves as a reminder that Fordingbridge once had a railway, sadly removed in the 1960s. All told, it has served the town as a community hub for over 150 years and is well-placed to do so in future, benefitting as it does from a good location in an area of increasing population and active housing development.

In a modern context, The Railway Hotel provides a cultural venue in an under-served part of the town (Ashford being on the outskirts of Fordingbridge and without another public house). It is also the only hotel serving Fordingbridge, a point recognised by the current owner when it was reopened as a hotel following its closure as the Augustus John public house some years ago.

It is well-positioned on the main road in front of a row of housing, and talking to residents there they attest to the fact that it provides a convenient venue for social gatherings, community groups and entertainment – which I believe fits with the definition of recreational interests which further the social well-being of the local community.

As Phil Woods has noted, this application also receives support from the Town Council and other local groups who are keen to preserve an important social destination in the town.

I would be very grateful if the District Council would consider the application positively".

Investigation & Conclusion

34. There is no doubt that there is support for the nomination of the Property and that it meets some of the criteria in that the Property has furthered *'...the social wellbeing...of the local community'* (as per s.88(1) of the Act).
35. However, whilst the Application depicts it as a *"Public house with accommodation"* (section B3), further investigation was

necessary as there was very little other evidence on which to base an analysis, especially as the Owner did not respond.

36. From a basic internet search, the website "The Railway Hotel Fordingbridge" (the Owner's title is at the bottom of the website page) says that the Property is "...*a boutique hotel offering five en-suite rooms and a charming self-contained two-bedroom cottage, ideally positioned for guests to explore the stunning local area. We apologise for any disappointment caused while we are closed.*" The closure is due to 'refurbishment' but there is no indication of the likely length of closure.
37. On Trip Advisor, it describes the Property as "...*a boutique hotel, restaurant and bar located in...Fordingbridge...[which]...re-opened in October 2020 having been lovingly restored to its elegant Victorian form...[with]...five distinctive en-suite rooms and a self-contained two-bedroom cottage set around a characterful courtyard...*". It shows reviews up until April 2025 (and so the closure was obviously recent). On reading the several reviews going back to February 2025, most refer to the accommodation ie as a hotel.
38. It is marketed as a hotel on numerous sites and is referred to as a hotel or 'boutique hotel'. An article in the Salisbury Journal (26 December 2020) referred to "*A former pub that has stood empty in Fordingbridge has been transformed into a new boutique hotel*". It refers to the fact that the "*Work to restore the building has taken around two years and cost in the region of £2million*". The hotel rooms are named after railway themes and the article goes on to describe how the railway theme is continued in the "*First Class Pullman dining car. All the booths have been created to look like a train carriage-complete with views of local and world landmarks to transport diners on a journey*".
39. Going from the Owner's presentation in its website and from its Trip Advisor description, it certainly conveys a distinct bias towards the Property being a niche hotel rather than a pub. It may be that this image of a hotel rather than pub has become more prevalent since the reopening of The Railway Hotel in 2020 (following the closure of the Augustus John public house in 2019). Internet searches for the Property generally lead to its identity as a hotel. It can also be seen that it was awarded the 'Best Boutique Hotel in the Best of British Getaways Awards 2023' run by SME News Magazine.
40. Whether the Property is a pub or a hotel is significant as, under the Regulations, an exemption is identified where '*A building or other land within a description specified in Schedule 1 is not land*

of community value (and therefore may not be listed)' (reg 3).
At Schedule 1 it lists land which may not be listed:

1(1) Subject to sub-paragraph (5) and paragraph 2, a residence together with land connected with that residence.[emphasis added]

...

(5) Land which falls within sub-paragraph (1) may be listed if—

- (a) the residence is a building that is only partly used as a residence; and
- (b) but for that residential use of the building, the land would be eligible for listing.

2 For the purposes of paragraph 1 and this paragraph—

- (a) "residence" means a building used or partly used as a residence;
- (b) **a building is a residence if—**

...

- (iii) **it, or part of it, is a hotel or is otherwise principally used for letting or licensing accommodation to paying occupants;** [emphasis added]

- 41. There is some conflict in the provisions above as they appear to vary between firstly, sub-paragraph (5) allowing listing where the building '*would be eligible for listing*' were it not for that area '*...partly used as a residence*'; and secondly, paragraph 2(b)(iii) where it appears that, if the building is a hotel, or just that '*part of it*', is a hotel ie any part of it, then that is exempt and cannot be listed.
- 42. In considering the sub-paragraph (5) provision, those findings in paragraphs 36-39 of the report above suggest that currently, the Property is a hotel first and foremost. Of course, this is an impression reached from investigations without hard evidence from the Owner in relation to the share of business between the pub/bar and the hotel. On this issue, in "**Assets of Community Value: Law and Practice**" (Simon Adamyk – 2017) the author considers "*it would seem important to deal with several factors,*

including the financial aspects of the business (including how much income and expenditure is attributable to residents and non-residents respectively, the way in which the business is advertised, the signage of the business details of the premises licence under the Licensing Act 2003, the way in which the business is deal with for the purpose of non-domestic rates (as pubs and hotels are valued on different bases)...”.

43. Whilst we do not have all of that information, on the current limited evidence, the objective impression suggests that, since the 2020 reopening, the Property is run primarily as a hotel.
44. Therefore, under paragraph 2(b)(iii) in Schedule 1 of the Regulations, it must inevitably fall into the exemption and so is land which may not be listed.

In Summary

45. Although there seems no doubt that the Property has been of community value, due to the apparent change in emphasis of the business when it was converted to a boutique hotel in 2020, that principal use of the Property is now as a hotel, which must exempt it from listing as an ACV due to paragraph 2(b)(iii) of Schedule 1 of the Regulations.
46. Consequently, when the Application is considered with the evidence and information referred to above, this indicates that the Property does not fulfil the criteria to make it eligible for listing. Therefore, 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

47. 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:
 - (1) In the opinion of the local authority, whilst the actual current use of the building or other land does further the social wellbeing or social interests of the local community, the land is exempt as stated in Schedule 1 of the Assets of Community Value (England) Regulations 2012 and is not of community value and therefore may not be listed.

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

Appendices:**Background Papers:**

Application by 'Save the Railway (Ashford)' dated 6 May 2025 and email dated 28 May 2025

'Save the Railway (Ashford)'
Terms of Reference and
statements of support