

## Officer Decision Record – 21.11.25

### **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
<b>Decision taken</b>	<b>It is recommended that you as a Strategic Director, Corporate Resources and Section 151 Officer of the Council decide this Application pursuant to delegated powers as follows:</b>  <b>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.</b>  <b>It does not therefore meet the criteria set out in the Localism Act 2011 to be eligible for listing.</b>
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 (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 (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**

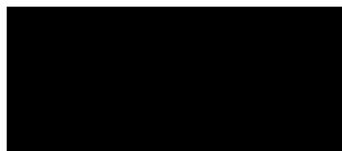
#### **The Railway Hotel, (formerly The Augustus John public house), 116 Station Road, Fordingbridge, Hants, SP6 1DG**

I, Alan Bethune, Strategic Director Corporate Resources 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 and  
Section 151 Officer

Dated: 21 November 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 was removed from the ACV list on 5 June 2025 following expiry of the 5-year listing period. An application was submitted to re-list the Property on 6 May 2025 ('the May application') but was refused on the basis that the principal use of the Property is as a hotel which exempts it under Schedule 1 of the Assets of Community Value (England) Regulations 2012 ('the Regulations').

## **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 by 24 November 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. continuing existing use, 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 lodged by the Nominator on Saturday 27 September 2025, and was received by the Council, on Monday 29 September 2025. The Nominator had previously tried lodging the Application on 29 July 2025 (the date on the Application) but it was not received by the Council, hence the later re-lodging of the Application. On review, much of the contents of the Application were the same as the May application with some additions which are described below.
6. 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.
7. 'Save the Railway (Ashford)' is an unincorporated body comprising more than 21 local individuals who are on the Electoral Register for the District.
8. 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 property in the sense of being physically proximate to it. In any event, the listed nominees have addresses in the immediate locality.
9. 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.
10. 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.
11. At section B2, 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. The Application specified that "*HP837109 is not included in this application*". The land nominated "*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."* At section B3 the Current use of asset is described as "*Public House with accommodation.*"

12. Although the Nominator has completed section B3 for 'Current' use, it has also completed part of B4 to explained that "*It is closed at present – we believe the owners are looking for a buyer*" and that it is considered it could realistically return to community value "*When the owner reopens it or sells it*".
13. At section B6, the Nominator refers to further information provided which is attached as "*Railway Evidence Update*".
14. 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. Also at section B7, when asked for details of the Lawful occupiers, the Nominator said 'Not known'.
15. The Council re-confirmed in its own search by way of HM Land Registry title and Companies House, that the proprietor for title number HP699617 is Select Country Inns Ltd ('the Owner') whose registered address is 11 Glasshouse Studios Fryern Court Road, Burgate, Fordingbridge, England, SP6 1QX
16. The proprietor for title HP837109 is Larasian Ltd of the same registered address for the Owner in paragraph 15 above.
17. At section B3 it refers to the Property being previously granted ACV status '*when operating as 'The Augustus 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*'.
18. As part of the Application, the Nominator included statements of support from the 23 members named in the list of members required at section A6 - 'Membership of unincorporated bodies' (these are the same statements of support as provided with the May application). 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).
19. Several of these 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 50<sup>th</sup> and 60<sup>th</sup> birthday celebrations there, my daughter her 18<sup>th</sup>, 21<sup>st</sup>*

*and 30<sup>th</sup> 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".

20. This Application also included (i) the Design and Access Statement entitled 'Application for Full Planning for Alterations and Refurbishment to Railway Hotel (Formerly The Augustus John)' dated May 2018 (see further at paragraph 45 below); and (ii) 'Evidence of Pub and Community Use' – a document which the Nominator explains "*...compiles comprehensive evidence demonstrating that the Railway Hotel in Fordingbridge actively functioned as a public house and community venue, rather than operating solely or primarily as a hotel.*"
21. The 'Evidence' document exhibits adverts on social media posted by the Owner between November 2024 and May 2025, highlighting meal and drink promotions; the current range of real ales on offer; a Christmas family community event and a seasonal menu; a cocktail night promotion; a family fun day at the Property as part of a week of town celebrations of 200 years of the modern railway; Quiz Nights in December 2024 and May 2025; promotion of Spanish Conversation Nights/Hosted Community Learning; Burns Night themed celebrations; a Valentine's Day collaborative promotion with the local cinema; a private wake/life celebration; and photos of events at the Property.

### **The Owner's comments**

22. The Council wrote to the Owner by letter of 15 October 2025 to notify it of the nomination. An email was received on the same date confirming the Owner would be objecting to the listing on the grounds that "*The Railway is a boutique hotel with restaurant and bar, and not a 'local' pub*".
23. It went on to say that "*Ever since closure, we have been actively taking steps to refurbish and re-open the Hotel and have come close to securing a tenant although unfortunately we were unable to bring this to a conclusion. Advertising for a tenant to take on the Hotel is ongoing - as can be seen here in a current listing*".
24. In that advertisement (link - [Hospitality facility to lease in Station Road, Fordingbridge, Hampshire, SP6](#)), it details the offer for

lease in the sector of "Hospitality facility to lease", the 'Key Features' of which comprise:

## Key features

- Five comfortable suites, A two bed cottage suite with an accessible suite with direct access to the carpark.
  - The hotel is free of tie
  - Fixtures and fittings included.
  - Dining room
  - Comfortable bar lounge with wood burning stove
  - Well equipped catering kitchen
  - Central bar
  - Ample off-road parking
  - Large walled terrace
  - Supportive landlord.
25. Given the order of information, this advert appears to be predicated on the Property being a hotel. Also, with the exception of one photo of the outside tables, the photos which form part of the advertisement are solely of the accommodation suites.
26. The Owner also confirmed that there was no occupier at the Property as it was still closed and it was still seeking a tenant.

## Legal power and delegations

27. The Council must consider the nomination and decide whether to list the Property as an ACV.
28. 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).
29. 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.
30. 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.

31. 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**

32. A number of consultations have been made by informing parties about the Application and are summarised below.
33. The notification sent to the Owner is described at paragraphs 22-26 above.
34. No notification was sent to the 'occupier' at the Property as the Owner had explained that there was no one there while it was closed and a tenant was being sought.
35. Fordingbridge Town Council was notified and it responded to say that "*The application was considered at the Town Council's General Council meeting on 5<sup>th</sup> November. The Town Council supports the premises continued use as a pub.*"
36. The Legal Service Manager was informed of the Application but she confirmed she had no comment.
37. The Strategic Director of Place Operations & Sustainability and the Strategic Director Housing & Communities were informed of the Application respectively, but did not respond.
38. The Estates & Valuations Manager was notified of the Application but did not respond.
39. Portfolio Holder for Safety & Wellbeing (including ACVs) Cllr Dan Poole was notified but did not respond.
40. Cllr Phil Woods and Cllr David Millar, as the Ward Members, were notified of the nomination. Cllr Woods responded to say, "*My views have not changed* [from email of support for the May

application], and I fully support the nomination and urge NFDC to support the nomination to help ensure the future of this local asset"

41. Cllr Millar did not respond.

### **Investigations**

42. This Application has been submitted only 4 months after the unsuccessful May application. Whilst there is no bar to that under either the Act or the Regulations, clearly, new evidence would be expected in order to persuade the Council to change its earlier decision.
43. As explained above at paragraphs 20-21 and below, the Nominator has submitted new evidence. Similarly, as the Nominator had previously sought to challenge the decision that the Property was indeed being operated as a hotel, the Owner was invited to provide evidence that might assist the Council in assessing the current operation of the Property.
44. As explained, the Nominator has included new evidence in the form of (i) the Design and Access Statement for the Property as part of an 'Application for Full Planning for Alterations and Refurbishment to Railway Hotel (Formerly The Augustus John)' dated May 2018 (ii) the document 'Evidence of Pub and Community Use' dated July 2025; and also (iii) the submission in the email of 27 September 2025 (attached) which states "*There has never been a formal change of use application from a public house (Use Class A4) to a hotel (Use Class C1). Moreover, because the building was listed as an ACV at the time, such a change would have required full planning permission under the Town and Country Planning (General Permitted Development) (England) Order 2015, which removes permitted development rights for ACV-listed pubs. We therefore submit that the primary use of the building remains that of a public house with ancillary accommodation, and that it does not meet the legal definition of a hotel for the purposes of excluding it from ACV listing*". This the Nominator says is evidence of the operation of the Property as a traditional pub for planning purposes and therefore, it cannot be a hotel.
45. The Nominator has explained that the Design and Access Statement "*is the document submitted by the present owners, Select Country Inns PLC, in support of their 2018 planning application for refurbishment works that were subsequently completed in 2020. It is therefore a statement produced on behalf of the current owners and reflects their own description of*

*the lawful and intended use of the premises at the point they sought consent”.*

46. The Nominator argues that the Design and Access Statement repeatedly notes the Owner’s intention to keep the Property as a public house.
47. The document “Evidence of Pub and Community Use” submitted by the Nominator shows the efforts to which the Owner has gone, to promote local interest and patronage of the pub and restaurant (the Owner makes reference to the managers for this period in paragraph 55 below).
48. The Nominator concludes that the evidence shows use as a traditional pub, and of the venue’s regular hosting of events and providing a function “...*deeply integrated with local life*” and that the “...*activity significantly exceeds the scope of typical hotel operations and aligns directly with the Localism Act’s intent behind ACV designation*”.
49. From review of the Nominator’s submissions, it appears that the objections to the Property being deemed a hotel – which exempt it from being listed as an ACV in accordance with Schedule 1 of the Regulations - is that (i) the Property’s planning classification use is as a pub and not a hotel; and (ii) the pub element of the Property is the primary use and provides community value and therefore should be listed as an ACV.
50. Arguments on this issue have been considered previously and are discussed in the text “Assets of Community Value Guide” (6<sup>th</sup> Edition – 2018 – Christopher Cant). In the First-tier Tribunal decision of Trustees of J Marshall Ltd SSAS v Arun DC [CR/2016/0025] the judge analysed the residence exclusion of Schedule 1 by way of a number of tests. He heard evidence on
  - turnover apportionment between pub and hotel
  - user covenant in the business lease
  - the building’s non-domestic rating
  - the apportionment of internal floorspace between pub/restaurant and hotel
51. On this basis, the Owner was invited to submit evidence in line with these directives. It provided this by its ‘Formal Response’ dated 13 November 2025 which is attached.

52. Whilst the Owner's financial information is not reproduced here for confidentiality reasons, on basic turnover figures for the Property in 2024 there was initial parity in the share of 29.5% bar: 28.2% hotel: 42.2.% restaurant. The Owner then explained that *"From year-to-year sales trend information, we can conservatively attribute 40% of the restaurant and bar sales to hotel guests. Taking this into account, a simple but realistic view of hotel vs pub, restaurant sales, look like this..."*. The Owner's secondary calculation of the revenue on that basis is shared as 17.7% bar: 56.9% hotel: 25.3% restaurant.
53. The Owner goes on to say that *"Standalone, the public bar and restaurant are simply unsustainable, and have clearly not been well supported by locals"* and that *"There comes a time when maintaining a failing business does not make sense. It would not be untrue to say that the business had supported staff and borne significant losses for some time whilst changes in operation and management were made in an attempt to make the business successful. Although there were some slight trends upwards with the last management team (who certainly did their best to engage with locals and were deservedly praised for their efforts), it's a sad fact that despite the goodwill engendered by their attempts to attract more locals, this simply did not translate into sales."*
54. The change in business model ie to a lease, was prompted by falling bar sales, as *"Staying open beyond 9.30pm with an empty bar for the convenience of a few locals who would have liked to pop in for a pint on their way home at 10:30pm after walking back from eating in town, ignores the significant costs this incurs to the business. In the end this was unsustainable and drove us towards a lease business model... This decision led to the hotel closure and the changed operating model, resulting in us advertising for tenants."*
55. In respect of the lease/user covenant, the Owner responded to say that they couldn't produce a lease as *"The previous managers were employed by us, they were not tenants therefore they did not have a lease... a new lease will be developed for a tenant when we can secure one, unfortunately, it hasn't been produced yet"*.
56. The Government's Valuation Office Agency (VOA) rating record is "Public House, hotel and premises".
57. The Owner provided a plan of the premises (attached) and highlighted the section attributable to the bar which commands only a small section of the overall floor space of the Property

when compared to that for accommodation. The Owner has confirmed that the restaurant section (uncoloured) which is adjacent to the bar is used for both the bar and hotel although all breakfast sales are due to the hotel (see paragraph 74 below).

58. The Owner said that *"We are grateful that The Save The Railway Group hold the Hotel in high regard. It's just a shame that this wasn't reflected in the public bar usage and associated sales. If this was the case, we could understand the value of the ACV application"* and that *"The unique restoration of the building back to its roots as a hotel aims to support the goal of offering more to an operator - by providing additional rooms-related revenue sources, a change from the former and rather neglected, public house, The Augustus [sic] John. The 'AJ' did have an ACV in place and still failed as a "public house" business due to insufficient local support"*.

### **Analysis**

59. As stated in the report which considered the May application, 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).
60. Whilst the Application again seeks to depict the Property as a *"Public house with accommodation"* (section B3), the evidence to hand contests this assertion.
61. Although the Design and Access Statement submitted by the Nominator does refer to it as a public house repeatedly, this is not a persuasive argument. There is no dispute that there was an existing pub which would continue to exist and operate post refurbishment. Due to the circumstances involved in this decision, it is not how the Property operated in the past which is the subject of this decision by the Council, but how it was operating after re-opening in 2020, up to the recent closure and how it will continue to operate when it reopens.
62. The Nominator's argument (at paragraph 44) that planning classification is determinative and therefore must preclude a finding that the Property was operating as a hotel post 2020 is not one that has been accepted by the Courts or First-tier Tribunal. It is one of numerous factors to consider but not of conclusive weight, otherwise all cases would simply turn to that analysis to give a determinative interpretation.

63. Also, to find that the Property is in fact run as a hotel, does not, nor does it need to, extinguish the continuing function of the pub element.
64. In response to the original May application, a basic internet search for the Property was carried out. A search was once again performed for this Application and the current findings are largely unchanged from previously, as the Property was closed then as it is now. A copy of the first page results for this internet search is attached showing seven entries. The first entry simply says it is temporarily closed; the Property's own website says it is "*a boutique hotel*", the third is Booking.com and lists it under "*Best Hotels in Fordingbridge*"; the fourth also refers to it as '*a boutique hotel*'; the fifth under 'fordingbridge.uk' refers to "*a boutique place in Fordingbridge...*"; the sixth (Facebook) does not give details without opening the page; whilst the seventh, Kayak.co.uk lists it under "*16 Top Deals from £68/night*".
65. The website for "The Railway Hotel Fordingbridge" 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.
66. 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 (illustrating the recent closure). On reading the several reviews going back to February 2025, most refer to the accommodation ie as a hotel.
67. 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*".

68. 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, although there is at least one review of the restaurant in February 2025 who was local and avoided it "...when it first opened as a hotel" but then walked in to use the restaurant and subsequently the bar.
69. From the evidence, it is clear that the emphasis of a hotel rather than pub has become 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.
70. When considering the eligibility of the Property to be an ACV, the same analysis of the Regulations is needed as was required in the report drafted in response to the May application. Under Schedule 1, 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]

71. 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.
72. In considering both provisions, and in accordance with caselaw, those tests to analyse the residence exclusion in paragraphs 50-57 of the report above must be considered so as to decide, on balance, whether or not the primary operation is that of a hotel or pub. If it is a hotel, then it is exempt under the Regulations.
73. That evidence suggests that the Property is operating as a hotel, with a supporting pub within the premises (the revenue of which the Owner has sought to bolster as illustrated by the Nominator's "Evidence of Pub and Community Use"). This certainly seems more persuasive than to accept it is a 'Pub with accommodation' as the Nominator asserts. The further evidence submitted by the Owner, on the whole, generally supports this impression albeit that the VOA non-domestic rating of the Property refers to both 'Public House' and 'hotel' in its categorisation.
74. Whilst the bare revenue turnover shares initially suggest parity between the pub and hotel, the Owner's interpretation of the figures and assertion in paragraph 52 above, attributes hotel guest revenue as being far greater than that of the pub/bar users. In correspondence, the Owner explained that restaurant figures have to be apportioned "*...because all of the breakfast sales are from hotel guests and again the locals did not support the restaurant sufficiently to enable it to stand up on its own*".
75. The ACV legislation and process does not place a burden on the Council to carry out a close commercial scrutiny of such business revenue figures or such interpretive assertions, but the Owner's explanation does not appear to be an unreasonable or improbable one.
76. Furthermore, there is clearly no doubt that the Owner sees this enterprise as a hotel and certainly markets it as such. The internet references and signage, together with the current advert for a commercial tenant all support that. On that note there does

not appear to be an appetite for a community interest group to take over the lease and run the Property, apparently as a hotel.

77. The objective impression suggests that, since the 2020 reopening, the Property is run, primarily, as a hotel.
78. 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**

79. There seems no doubt that the Property has been, and perhaps still is, of community value. However, 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.
80. 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**

81. It is recommended that you as a Strategic Director, Corporate Resources 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 29 July 2025 and email dated 27 September 2025:

- (i) 'Save the Railway (Ashford)' Terms of Reference and statements of support
- (ii) Design and Access Statement which was part of the 'Application for Full Planning for Alterations and Refurbishment to Railway Hotel (formerly The Augustus John)' - May 2018
- (iii) 'Evidence of Pub and Community Use'

-Owner's Formal Response 13 November 2025

-Owner's premises plan

-Owner's link (embedded para 24) to advertisement for Hospitality to lease.

-Google search page