

Officer Decision Record – 17.03.26

The New Inn pub, Hounslow, Southampton SO40 7EP

Classification	Public - Lists of assets must be published by virtue of paragraph section 94 of the Localism Act 2011
Decision taken	<p>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:</p> <p>In the opinion of the local authority, whilst there is a time in the recent past when an actual use of the building or other land that was not ancillary use furthered the social wellbeing or social interests of the local community, it is not realistic to think that there is a time in the next five years that there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community and is therefore not of community value and therefore may not be listed.</p> <p>It does not therefore meet the criteria set out in the Localism Act 2011 to be eligible for listing.</p>
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)	Totton South
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 New Inn, 5-7 Main Road, Totton, Southampton SO40 7EP

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 Totton & Eling Town Council, nominating The New Inn, 5-7 Main Road, Totton, Southampton SO40 7EP 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, whilst there is a time in the recent past when an actual use of the building or other land that was not ancillary use furthered the social wellbeing or social interests of the local community, it is not realistic to think that there is a time in the next five years that there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community and is therefore 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.

Signed:



Alan Bethune

Strategic Director Corporate and Section 151 Officer

Dated: 17 March 2028

Application to nominate The New Inn, 5-7 Main Road, Totton, Southampton SO40 7EP

Introduction

- 1 This report relates to an application made to the Council by Totton & Eling Town Council ("the Nominator") to nominate The New Inn, 5-7 Main Road, Totton, Southampton SO40 7EP ("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.

It is important to note, and relevant to comments made by the Nominator and owner, that the Property was the subject of an unsuccessful planning application heard at the Council Planning Committee on 12 November 2025 ("the Planning Application"). That Planning Application was to change the use from Public House to erection of two semi-detached residential dwellings to allow for conversion into three self-contained residential dwellings with external alterations and associated hard and soft landscaping.

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 19 March 2026 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 Nominator's Application was received by the Council, on 22 January 2026. 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 The Nominator is a Town Council and a copy of its 'Standing Orders' is attached to the Application. The Nominator falls within the term 'parish council' for the purposes of the Act section 89(2)(b)(i). The Nominator is therefore entitled to make an application to list the Property as an ACV.
- 7 The Nominator provided a plan of the Property with red lined boundaries showing the Property. The plan was produced by PLC Architects. The Council obtained a Land Registry copy of the plan for the Property which appears to match that provided with the Application.
- 8 In section B7, the form states that "*Punch Partnership (PML) Limited*" is the owner ("the Owner"). Investigation of the title at the Land Registry register confirms this. The form provides no information for 'Lawful Occupiers' saying "*Not known*".
- 9 The Nominator has completed section B3 '*Current use of asset*' and stated that the Property is a "*Public House*" and answers "*Yes*" when asked '*Do you consider that the current and main use of the asset furthers the social wellbeing or cultural, recreational or sporting interests of the local community and is likely to continue?*'
- 10 Continuing at section B3 it states that "*Following the recent planning application (25/10601) to convert the pub into residential use, around 100 people submitted objections, which can be viewed online. An example of one letter is attached. The refusal of planning permission has been welcomed, and the use of the pub has continued*". In the next box at B3 when asked '*Over what period is this main use of the asset anticipated to continue?*' the Nominator states "*For as long as feasibly possible*".

- 11 Section B4, which lists questions for assets not currently used for community benefit, was left blank.
- 12 Section B5 states that *"The first floor is residential use as is common in many public houses"* and at section B6 'Further information' the Nominator says *"Many described the pub as the heart of the village, stressing that losing such a vital social meeting place would be a significant blow to the community. It serves as an essential local asset for residents, particularly as it is the only pub within walking distance for many. Please also find attached a letter of support submitted in relation to the recent planning application, this is an example of local feeling concerning the pub"*. The letter of support referred to is an online comment on the Planning Application posted on 26 August 2025.
- 13 Following an initial review of the Application and receipt of the Owner's letter dated 20 February 2026 (referred to below), the Council emailed the Nominator on 4 March 2026, referring to the apparent contradictions in respect of the current status of the Property and seeking further comment. Whilst the Application states the Property is currently operating as a pub it was pointed out to the Nominator that there are *"...some contradictory reports saying that it is closed and when I look for a website, there is none, only a Facebook page which I cannot open"*.
- 14 The Nominator replied the next day (both emails dated 4th and 5th March 2026 respectively are attached) saying *"When the form was submitted the building was still a pub. I have just seen a Facebook post suggesting furniture and other items are being sold, which suggest perhaps it has closed. I will investigate further. I have also been notified an appeal has been submitted against the recent refusal of planning permission."* Nothing further was heard from the Nominator on this issue.

The Owner's comments

- 15 The Council wrote to the Owner's Company Secretary by letter of 2 February 2026 to notify it of the nomination. After an initial email from the Owner's solicitor at Freeths, requesting a copy of the Application, the Council provided a redacted copy. Freeths then emailed its letter dated 20 February 2026, setting out the *"Owner's written representations"* in response to the nomination and which oppose the nomination on the basis that there is *"...no recent past use of the Property satisfying the community value criteria"* and *"The fact that it is not realistic to think that the Property will be used in a way satisfying the community value criteria in the next five years."*

- 16 As the letter (attached) is several pages long and raises numerous issues, for ease of reading and continuity, those issues are considered in this section rather than in the section 'Investigations & Conclusions'.
- 17 At pages 1-2, the Owner refers to "*severe and far-reaching consequences for the owners of listed properties in terms of an owner's otherwise unrestricted ability to dispose of its property as it sees fit and the potential impact on future development of the property*" and possible diminishment of a property's value.
- 18 In pages 2-3, the letter goes on to describe "*serious consequences for listing councils*" and cites potential financial implications should an owner seek compensation under the Act due to a property listing.
- 19 Section 90 of the Act states:
- (1) This section applies if a local authority receives a community nomination.
 - (2) The authority must consider the nomination.
 - (3) The authority must accept the nomination if the land nominated—**
 - (a) is in the authority's area, and**
 - (b) is of community value** [emphasis added].
- 20 When considering the community value of relevant land, there is no suggestion that such adverse implications for owners or local authorities are a factor to consider, therefore these comments are not relevant in the Council's assessment.
- 21 Page 4 (paras 7-10) of the letter cites s88 of the Act. At paragraph 8 of the letter it avers that the references to "*social wellbeing*" in s88, whilst "*...not defined by the Act ...it seems that it is the wellbeing of society itself that is important ...rather than just the wellbeing of a number of individuals within a given society*".
- 22 However, s88 does not refer to 'society' at all, but rather the focus is on the "*social wellbeing*" and "*social interests*" of the "*local community*". The local community too, is not defined and in Assets of Community Value, Law and Practice (Simon Adamyk; 2017) it states that "*The Act provides limited guidance on what constitutes the 'social wellbeing or social interest of the local community' ...The term 'social wellbeing' is also not defined.*

These terms are deliberately vague. It will usually be a question of fact as to what constitutes the 'local community' and 'social wellbeing in a particular case. It is a highly contextual question, depending upon all the circumstances of a particular case" (Crostone Ltd v Amber Valley Borough Council [2015] UKFTT CR/2014/0010) (para 4.14).

- 23 *Adamyk goes on to say that "To a large extent, it is therefore left to the relevant local authority (which is obviously aware of local conditions, local needs and priorities) to judge what furthers or may further the social wellbeing or social interests of the local community"* (ibid; para 4.15) and (at para 4.18) that *"The Act 'does not require the potential asset to be unique or even special'. The sole question is whether it furthers relevant interests"* (Pullan v Leeds City Council [2016] UKFTT CR2015/0011).
- 24 In considering how much of the local community must benefit, Adamyk goes on to refer at para 4.26, to the case of Haddon Property Development Ltd v Cheshire East Council [2016] UKFTT CR/2015/0017), where the First-tier Tribunal stated that *"Teetotallers and children may be inherently less likely to make use of the facilities of a village pub; but it has never been suggested (nor would it be correct) to refuse to list an asset merely because it is not equally valuable to all sectors of the local community"*.
- 25 The Owner does not give further explanation in its letter as to what it considers *'society itself'* to be other than *"societal cohesion and unity, etc"*, but as the legislation does not refer to that term, then for the purposes of this Application alone, those who live in the general vicinity of the Property and those who are likely to use it, would appear to represent the 'local community' and if it *'furthers relevant interests'* for the purposes of the Act and the Assets of Community Value (England) Regulations 2012 ('the Regulations') then it may qualify as an ACV. This is further discussed below.
- 26 At paragraph 9 of the letter, the Owner avers that regulation 6(c) of the Regulations states *"A community nomination must include sufficient reasons for the Council to conclude that the Property is of community value"*. This is not strictly correct as the regulation actually says that the application must include, inter alia, *"the nominator's reasons for thinking that the responsible authority should conclude that the land is of community value"*.
- 27 Paragraph 10 of the letter explains that the Property is currently closed *"having ceased operating as a public house after New Year's Eve 2025"* and refers to the Application dated 22 January

2026 having stated – at section B3 - that that the Property is currently operating as a public house.

- 28 In paragraphs 11-12 of the letter (page 4) the Owner correctly points out that there is no presumption that certain types of property will be appropriate for listing as ACVs. This is not disputed, but the focus is not so much on what type of property it is, but whether the property has been used in a manner that furthers the social wellbeing and interests of the local community.
- 29 Paragraphs 12-19 (pages 4-6 of the letter) deal with, what the Owner asserts to be, "*a paucity of details ...coupled with a complete absence of evidence*" in support of the reasons for nomination, and questions whether the use of the Property has furthered the social wellbeing/social interests of the local community and that such use would have to occur "*with sufficient frequency and intensity (i.e. whether they were a non-ancillary use)*".
- 30 Whilst it is not explained what the Owner relies on in asserting that '*frequency and intensity*' is a test for ACV qualification, it doesn't appear to be relevant to the tests for ancillary/non-ancillary use, although it is true that there is only one 'letter' attached in support of the Application. As mentioned above, this was actually an online comment filed as part of objections to the Planning Application involving the Property.
- 31 However, the Application does also refer to the online comments which were lodged as part of that Planning Application and that "*around 100 people submitted objections which can be viewed online*". This is clearly what the Nominator is choosing to rely on as its evidence in support of the Property being of community value. Given the Application refers to the Planning Application as being relevant, together with the fact that the Owner's letter also makes several references to it and linked documents in its letter, it is not unreasonable to consider relevant documents in the Planning Application for the review of this Application. Also, during the consultation process one Council officer suggested that the planning authority should forward those documents to the legal adviser to consider (see below in the 'Consultations' section). Those documents have therefore been taken into account and referred to in this report.
- 32 It is of note that the Owner states at paragraph 18 (page 5 of the letter) that the comments in the "*letter of support*" (i.e. the online comment attached to the Application) are "*entirely unsubstantiated*". It appears to be true that, describing the Property as the "*heart of the hounsdawn [sic] village*" is

unsubstantiated but, as it is obviously figurative speech and the opinion of the writer, it would still nevertheless be evidence, albeit the weight of which would have to be assessed accordingly.

- 33 However, the Owner goes on to also describe the objector's assertion that "*We support charities holding fundraising events*" and that "*the customers are devastated that we could lose our friend pub*" as entirely unsubstantiated appears to be flawed as other evidence supports this (see below). Similarly, evidence suggests that "*There is a defibrillator outside the pub*". It is not explained by the objector in the '*letter of support*' what is meant when saying " *...it is the only defibrillator accessible 24/7*" but the Owner has also not sought to explain on what evidence it relies when saying it is entirely unsubstantiated.
- 34 In paragraphs 20-23 (page 6 of the letter), the Owner cites the First-tier Tribunal case of Milton v North Devon District Council and another (CR.2020.0001) and quotes the judge who said that '*recent past*' should be interpreted "*on the ordinary meaning of the word 'recent'. In my view the word refers to something that happened not long ago*" and goes onto say that 8 years ago could not be considered '*recent*'.
- 35 It is not explained the relevance of an 8 year period; as stated in the Owner's own letter, the Property was operating as a pub up at least until New Year's Eve 2025 when it closed. It is not suggested by the Owner that the period leading up to closure could not be deemed in the "recent past". Furthermore, it should also be noted that in a more recent First-tier Tribunal decision, it was found that "*...the period of 11 years is in the 'recent past' in this particular case*" (Satwinder Sandhu v South Oxfordshire District Council [2025] UKFTT 1306 – 5.11.25). Without going into the details of the case, this purely shows that it is not enough to cite one case as overriding in importance, as the facts of each individual case must be considered.
- 36 Also, at this point and earlier in the letter, the Owner asserts that something '*special*' would need to have happened at the Property to satisfy the community value criteria. No evidence is offered to support this assertion, but it is not accepted by the Council as the criterion required to satisfy an ACV listing.
- 37 The Owner goes on at paragraphs 24-26 (pages 6-7 of the letter) to state that the fact that the Property is the only pub left in the village is not, in itself, proof of community value. That is not disputed. However, the Council does dispute that that fact is "*entirely irrelevant*" as the Owner says. The fact that it is the only pub left could be instrumental in explaining the importance

of its place in the community when coupled with evidence of community use and value.

- 38 At paragraphs 27-38 (pages 7-9 of the letter) the Owner considers the s88(2)(b) 'realistic to think' test and refers to, amongst others, the case of Worthy Developments Ltd v Forest of Dean DC & Anor (Sept 2014). In that case concerning future use, despite facing financial obstacles and notwithstanding the absence of a firm offer or detailed business case the judge refused to conclude that the financial proposals of the 'Save our Sun' committee were not realistic even if they faced financial problems, and. The First-tier Tribunal judge said that "*It is important, however, not to confuse commercial viability with what altruism and community effort can achieve*" (judgment, paragraph 21) and, when referring to this case, "Assets of Community Value Guide" (Christopher Cant – 6th Edition, 2018) goes on to say that "*Strong backing within a community is a factor that will be taken into account when deciding whether there is a realistic prospect of future community use*" (page 74).
- 39 The remaining sections of the Owner's representations – paragraphs 33-38 (pages 8 and 9 of the letter) – refer to the lack of evidence pointing to any appetite of community bodies to bid for the Property and, by reference to the financial obstacles they would face in doing so. The Owner contrasts that lack of detail and evidence to that of the detailed Planning Application it is pursuing with supporting evidence and which it avers is a more realistic proposition (the Owner also indicates that the decision to refuse Planning Application is being appealed).
- 40 The Owner cites the Council Officer's Report to the Planning Committee (12 November 2025) which refers to "*a continuous decline in trade since 2015 and is no longer considered by [the Owner] to be a viable business prospect ...been on the market since December 2024 ...there has been limited interest, particularly from pub operators.*" (Owner's letter, paragraph 36, page 8). It goes on to refer to the Viability Study of May 2025, produced by Savills (agent of CPC Planning Consultants Ltd) which is included in the Planning Application documents. That states that the Property has "*struggled since the economic downturn of 2008...*" and sets out other factors such as Covid; competition from larger managed house operations; limited cover numbers; parking and insufficient local support upon which the Property has had to rely due to the lack of 'destination' custom (also paragraph 36 of the letter).

- 41 It also cites the Savills Marketing Report (September 2025) which confirms “*fairly limited*” interest in the Property and that “*The feedback received from those who have viewed the property was that the pub had significant drawbacks and that its location was not regarded as attractive by pub operators*” (also paragraph 36 of the letter).
- 42 In the final paragraph of its letter, the Owner states that a local community proposal of running the Property “*without profit in mind*” is “*not enough*”. Whilst it is not correct when the Owner asserts – for the purposes of an ACV nomination at least – that the Nominator “*must also explain how it would raise finance (to the tune of around £1m) and bear financial losses whilst seeking to get a business up and running, and indeed thereafter*” (paragraph 38, page 9) - see Gulliver’s Bowls Club v Rother below at paragraph 67 on this point – nevertheless, any prospective bid to purchase the Property would of course have to be able to evidence financial proposals.

Legal power and delegations

- 43 The Council must consider the nomination and decide whether to list the Property as an ACV.
- 44 The Council has put in place delegated powers for a Strategic Director to make the decision in consultation with relevant heads of service and portfolio holder(s).
- 45 The legal criteria to make the decision are laid down in the Act and supporting Regulations. The Council must decide whether the Property is eligible and of community value.
- 46 The Property is of community value if, in the opinion of the local authority an actual current use (or alternatively a time in the recent past when an actual use) of the building or other land that is not an ancillary use furthers (or furthered in the recent past) the social wellbeing or social interests of the local community, and it is realistic to think that there can continue to be (or that there is a time in the next five years when there could) 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.
- 47 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

- 48 A number of consultations have been made by informing parties about the Application and are summarised below.
- 49 The notification sent to the Owner and response are described at paragraphs 15-42 above.
- 50 A letter of notification was also sent to 'The Occupier' at the Property but no response was received.
- 51 There was no need to notify the Parish Council as Totton & Eling Town Council is the Nominator.
- 52 The Legal Service Manager was informed of the Application but confirmed she had no comments.
- 53 The Strategic Director of Place Operations & Sustainability and the Assistant Director Housing & Communities were informed of the Application respectively. The latter had no comments and the Strategic Director for Place Operations & Sustainability replied to say *"there is linked planning history that it would be worth speaking to planning colleagues about. I also understand that the pub us [sic] shut and not trading, so it can not meet the "current tests". Like all of these attempts to list pubs where there is the prospect of a planning application or development, and the somewhat misguided view that it can be "saved" with an ACV, the ability to demonstrate it leets [sic] the statutory tests of an ACV, beyond uses that would be basic functions of a successfully functioning community pub, are in my experience very difficult to meet."*
- 54 The Estates & Valuations Manager was notified of the Application but did not respond.
- 55 Portfolio Holder for Safety & Wellbeing (including ACVs) Cllr Dan Poole was notified and responded to say *"I am happy to support this application"*.
- 56 Cllr David Harrison and Cllr Caroline Rackham, as the Ward Members, were notified of the nomination. Cllr Harrison responded to say, *"I strongly support the application and (for full disclosure, as a Town Councillor, I pressed for it to be applied for). I have spoken to scores of local people about the pub. The*

majority agree with it being registered as a community asset. It is the only pub in the village of Hounslow which is otherwise cut off from the rest of Totton by two dual carriageways. Registration will give a chance for an enterprising person or group to make a success of this business. A further point is that if the Durley Farm development goes ahead (as expected) there will be even more potential local customers”.

- 57 Cllr Rackham replied to say *“I also agree with the community asset status. I’m Chair of the Planning Committee at Totton and Eling Town council and we agreed that it should become a community asset. The report from that should have been sent through to you by Jenna our planning officer. There are few pubs in the area and for Hounslow this is a particularly important community hub. It may need a renewed business energy but has a monopoly on a large number of local residents so there seems little reason why it can’t become the successful pub it once was.”*

Investigation and Conclusion

- 58 In light of the Owner’s confirmation that the Property closed operations as a pub at or around New Year’s Eve 2025, together with the Nominator’s agreement that the Property has closed, the Application is therefore clearly on the basis that it is not currently used for community benefit (i.e. section B4 of the Application form, rather than B3).
- 59 Therefore, the relevant part of the Act is section 88(2) -
- (2) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local 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 interests of the local community, and*
- (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 that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.*
- 60 During review of the Application, an internet search was carried out but a site for the Property could not be found except a Facebook link which could not be accessed. Similarly, the CAMRA

site for the Property was inaccessible. 'Beer in the Evening' had four entries for the Property between 2004-2023 - "A case of use it or lose it for this place. They provide entertainment, have a lovely beer garden and treat customers with respect. But it's always empty for some reason" (14.5.23); "friendly local pub with good selection of beers. free internet access, big screen showing all major sports. child and dog friendly with large enclosed garden. also have regular live music and quiz nights. good atmosphere and broad age group. was called the red deer for some time but recently reverted to its original name "the new inn" (10.9.05); "Been in here a few times, its very much for the locals and because of that fact a nice pub alot of the ones in the forest cater for the tourists" (26.02.05); "Pleasant small town atmosphere with a reasonable selection of beer. Most of the locals are friendly the others keep themselves to themselves. It's [sic] one of those pubs where you could quite happily pop in for a quick one on your own and not feel out of place, especially handy because it's [sic] on the main road" (19.12.04).

- 61 From reading the substantial number (100+) of online objections to the Planning Application, it can be seen that many objected as they wanted to save the Property. Against this, there are numerous objections raising issues such as dislike of further housing being erected, losing pubs generally, disruption due to building, or due to the extra traffic which they consider will result. It is clear though, there are local people who value the Property as the Hounslow local pub and which appears to have symbolised a hub for the local community. There are too many comments to include in total below, but some of those which focus on the Property are listed:

"We cannot afford to lose another [pub]. And especially one for many people young and old in walking distance apart from the fact my family have been drinking drinking there for the last 70 years..."

"My family have used the pub for over 65 years. The pub is a asset to the community once lost it can never be got back".

"...not just a building, but a longstanding hub of kindness, laughter, and connection.... It is a symbol of togetherness, a stage for community spirit, and a champion of charity.... The New Inn is the proud host of seasonal family events from Christmas markets and Easter egg hunts to spooky Halloween celebrations.... They're more than just events, they are traditions, where generations gather to make memories... this pub

is more than a business, it is a community asset of immeasurable value, a social lifeline, and a keeper of local traditions".

"We need to keep the new inn as a community meeting place for Hounslow I personally have been going to the new inn since the mid 70s. I have met many lovely people there over the years and now my 4 year old granddaughter is enjoying all the events the pub puts on for the children Christmas, Easter, Halloween party's etc and I would hate her to miss out on what is a community asset".

"The New inn plays such a vital part in its area! A beautiful pub with a welcoming atmosphere. We use this pub as our "local" after football games down the road at the school. Brings us to become part of the community! Save our pub!"

"It would be very sad to lose the only pub in Hounslow. Whenever I visit I am struck by how many locals use the pub and it would be sad to lose a community asset".

"This pub has been the hub of the community of Hounslow for many many years. From supporting local charity events to holding dart/pool competitions, christenings, wakes, family fun days and barbecues to music gigs - it has held a variety of entertainment for young and old alike.... The positive impact of having a local pub on this Estate for residents of Hounslow by far out-weighs the need for just two houses. It will be taking a lot of pleasure, support and comfort away from the locals."

- 62 Whilst there is little evidence of the Property being of community value included in the Application itself, the evidence above provides persuasive evidence that the Property has in the past, furthered *'...the social wellbeing ...of the local community'* (as per s.88(2) of the Act); and see paragraph 23 of this ACV report above re: Pullan.
- 63 Given the very recent closure date of New Years' Eve 2025, the numerous comments from the planning objections referred to above, and the caselaw in paragraph 35 above, it seems reasonable to conclude there has been a time in the recent past that the Property furthered the social wellbeing or social interests of the local community as required by s88(2)(a) of the Act.
- 64 The second stage of this test i.e. s88(2)(b) requires the finding that *"it is realistic to think there is in the next 5yrs a time when there could be non-ancillary use of the building or other land that would further (whether or not in the same way) social wellbeing or social interests of local community"*.

- 65 In the reference text, 'Assets of Community Value – Law and Practice' (Simon Adamyk, 2017), it explains that, in assessing this issue, the "...civil standard of proof...i.e. the balance of probabilities, does not apply in this context..." but "that it is 'realistic to think' that it 'could'" return to being of community value (para 4.65). Also in the First-tier Tribunal, it was found that the 'realistic to think' test 'is not a demanding one. Parliament has chosen to set the bar low' - King v Chiltern DC [2016] (ibid – para 4.69).
- 66 In "Assets of Community Value Guide" (Christopher Cant – ibid) it says that "The First-tier Tribunal has emphasised that it will not treat the declarations of owners as to the future use of a nominated asset as conclusive. To do so would be to confer a unilateral power on the owner to prevent an ACV listing" (p46). Nevertheless, the detailed evidence submitted in the Viability Test and Marketing Report served by the agent on behalf of the Owner, particularly the Viability Test, convey a strongly persuasive argument to suggest that there would be little hope of the pub reopening given the long history of decline in custom, the apparent absence of concerted support of the community, and importantly with the lack of any substantive evidence to the contrary.
- 67 Cant (ibid) refers to examples where the Tribunal considers that commercial viability is not even necessary Gullivers Bowls Club v Rother [2014] UKFTT; CR/2013 "Judge Warren rejected the argument that this required the anticipated community activity to be commercially viable or even to have a foreseeable long-term viability (paragraph 12[Judgment]). In the Tribunal decisions there is a very marked acceptance that financial problems can be overcome if there is a strong sense of local community especially if it has engaged with the particular property and has available to it credible advisers with experience of community projects. This particular aspect is more likely to be a live issue in the second stage in the context of "recent past" cases than where there is a current actual use which already furthers a community use".
- 68 Notably, the Application itself does not appear to have been able to rely on any concentrated community voice seeking to save the Property. Also, the Nominator itself appears to have acknowledged the difficulties the Property is facing in its own online comment on the Planning Application which said "The first area of concern would be the loss of a community asset and the lack of alternative public houses in the near vicinity. However, if, as suggested, the business is failing and conversion to residential use is the only viable option, this could be acceptable? provided the development is carried out sympathetically and retains the

current appearance of the building. The primary concern would be at the rear of the site and the impact on existing residents of Jacobs Walk in terms of visual intrusion and additional traffic. The loss of trees and existing screening has not been off set within the site, coupled with a lack of sustainable energy solutions. The density of properties within the setting would be an over intensification of the site. recommend refusal”

- 69 Returning to the Viability Study, it cites the reduction in pubs but particularly the vulnerability of small pubs (employing less than 10 people) that exhibit decline in number. Also, whilst they concede they not building surveyors, the author of the report, Savills, refers to the likely requirement of immediate capital investment to address repair issues/structural defects. They estimate this figure to be approx. £435,500 but also noting that kitchen space improvements would be required in addition, even before costs of purchase are considered (Viability Study, section 12.0 'Condition').
- 70 Obviously these findings could be open to challenge. However, in the absence of such challenge, we are left with the Study's assertions that the Property needs refurbishment, whilst facing a lack of custom and declining trade.
- 71 The Study concludes that *"in the short, medium and longer term the property is unviable"* (section 16.0) and that *"The pub is reliant on trade from 'local regulars' who have not supported the business sufficiently and due to the limited cover numbers and small local population, the business is likely to fall short to its nearby pub competitors combining both wet and dry sales in more prominent areas"*. Without going into the detailed contentions and findings of the Study, in Savills' opinion at least, it is unrealistic to think that there can continue to be non-ancillary use of the Property.
- 72 The Marketing Report notes its instruction to market the Property on 16 December 2024 and reduction of guide price from £525k to £495k in May 2025. Up until the date of the report, Savills had 12 enquiries and five viewings.

In Summary

- 73 Although there is evidence to suggest the Property has been of community value in the past, (i) detailed evidence provided by the Owner presents a case that the Property is not commercially viable as a pub, and has not been so for some time; (ii) as a result there does not appear to be any market interest in a purchase of the Property; (iii) there is no evidence presented to

contradict the Owner's evidence, and (iv) whilst there is clearly some support from sections of the local community that would like the Property to stay open and to continue to operate as a pub in the long term, there is no current evidence to show that the local community has an appetite to mount a challenge, financial or otherwise, to signify "*Strong backing within the community... [that will provide] ...a realistic prospect of future community use*" (Cant ibid, page 74 re: Worthy Developments v Forest of Dean DC).

- 74 Therefore, although the Application appears to meet the first stage of the test i.e. s88(2)(a), it does not meet the second stage s88(2)(b) as it does not appear realistic to think that the Property can return to furthering the social wellbeing or interests of the local community (whether or not in the same way).
- 75 Consequently, 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

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:

In the opinion of the local authority, whilst there is a time in the recent past when an actual use of the building or other land that was not ancillary use furthered the social wellbeing or social interests of the local community, it is not realistic to think that there is a time in the next five years that there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community and is therefore 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 Totton & Eling Town Council dated 22 January 2026

Totton & Eling Town Council
Standing Orders

Email from NFDC dated 4 March 2026 and Nominator's reply email dated 5 March 2026.

Letter from Owner's Solicitors,
Freeths dated 20 February 2026