



New Forest District Council
Governance & Regulation
Appletree Court
Beaulieu Road
Lyndhurst
SO43 7PA

FAO: Julia Turner, Solicitor, Governance & Regulation
by email: Julia.Turner@nfdc.gov.uk

8 March 2017
Your Ref: JT/PR9/20

Dear Ms Turner

COMMUNITY ASSET APPLICATION—THE HORSE AND GROOM, WOODGREEN

I am writing with the representations of Hall & Woodhouse Limited, the freehold owner of the Horse & Groom, Woodgreen, Fordingbridge, SP6 2AS ("the Property").

Thank you for your letter dated 23 February 2017 informing Hall & Woodhouse Limited of the nomination of the Property as an Asset of Community Value ("ACV").

We do not believe that the Property should be listed as an ACV, as we do not believe that the Nominator has provided sufficient evidence that the Property is of the community value stipulated within the Regulations, and we believe that all of the activities listed by the Nominator are ancillary to the primary current use of the Property as a public house.

A community nomination must include sufficient reasons for the Council to conclude that the Property is of community value (Reg. 6(c) of the Regulations). As noted above, we believe the Nominator has failed to do this, and we set out our reasons below.

The reasons why the nominator considers that the Property is of community value are set out in the reasons for nomination document and include that the Property:

1. is used by the cricket club and darts team,
2. is used by local dining clubs,
3. hosts a pub quiz,
4. hosts bank holiday festivals (music and food), and
5. is supportive of church activities.

The Nomination also states it is the only pub in the village, and the busiest hub for community activities, eg music and community celebrations, used by a high proportion of elderly and isolated people of limited mobility for lunch etc, and as a useful source of employment for local young people.

1.1. The Allegation that "the cricket team meet in the pub"

The nomination does not set out the frequency of which the cricket team meets at the pub, and we ask the Council to note that Woodgreen has its own cricket club, complete with clubhouse facilities, which we understand the cricket team uses regularly, alongside running barbecues and other such events. Accordingly, we do not believe the Nominator has shown use of the Property in such a way that furthers the local community's social wellbeing or social interests, and accordingly this allegation is not made out, and we ask the Council to disregard it.

<http://www.woodgreencricketclub.co.uk/>

1.2. The Allegation that "local dining clubs" meet at the pub

We do not believe this allegation to be relevant to the criteria laid out in s.88 of the Act. Again, the nomination has not provided any evidence as to how often local dining clubs attend the Property, nor has the nominating body indicated who the dining clubs are. We do not believe there is sufficient information provided to the Council by the Nominator on this point, and believe it should be disregarded.

1.3. The allegation that the Property "hosts a pub quiz"

We do not believe this allegation to be relevant to the criteria laid out in s.88 of the Act. We consider that the hosting of a pub quiz is entirely ancillary to the primary use of the Property as a public house, and we kindly request this should be disregarded.

1.4. The allegation that the Property "has a darts team"

We do not believe this allegation to be relevant to the criteria laid out in s.88 of the Act. The nominating body has failed to provide any evidence in support of its allegations, and we consider that the provision of a darts board is ancillary to the use of the Property as a pub, as are any board games offered. We kindly request this be disregarded.

1.5. The allegation that the Property "hosts bank holiday festivals (music and food)",

While the Pub does sometimes put on music, it is only for patrons of the Pub, and it is our contention that all events run by the Pub are ancillary to the primary use of the Property as a pub, and we therefore request that this be disregarded.

1.6. The allegation that the Property "is supportive of church activities".

There is a church in the village, St Boniface, and it is our contention that church activities are supported within the church. The Nomination does not make it clear or provide any evidence as to what church activities the Property supports, and Judge Lane held in General Conference of the New Church v Bristol City Council that community interest did not include religious interests. Accordingly, this use should be disregarded.

- 1.7 The allegation that the Property is "a busiest hub for community activities, eg music and community celebrations, used by a high proportion of elderly and isolated people of limited mobility for lunch etc, and as a useful source of employment for local young people."

We note there is a thriving village shop, with tea and coffee facilities and indoor and outdoor seating areas <http://www.woodgreenshop.org/wcs2015/> and there is also a village hall, which is active and is a meeting point for community events, as well as being available to hire. <http://www.woodgreenvillagehall.org.uk/home>. There is also another pub approximately 1 mile distant in Breamore which also provides facilities, which is also used by the elderly people, www.batandballinn.net.

1.8 Summary

It appears to us that the nominator's case for listing the Property is, in essence, that the Property should be listed as an ACV because it is a pub, which is not of itself a reason to list the Property as an AVC. Moreover, there are genuine and demonstrable assets of a community value within close proximity to the Property, which serve the community and further social well-being and social interests, whereas the primary purpose of the Property is not as an asset of community value, as required by the Act.

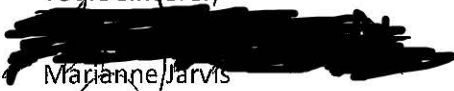
2. Conclusion

In conclusion Hall & woodhouse Limited objects to the Property being listed as an ACV because:

The nomination fails to disclose any credible evidence that the Property furthers the social wellbeing or social interests of the community, whereas there is clear evidence of other properties, including other nearby properties, which substantially further the social wellbeing and social interests of the community.

It is therefore Hall & Woodhouse's view that it would not be reasonable to conclude, on the basis of the evidence provided, that the Property is an ACV. We kindly request that the Council reject the nomination in respect of the Property.

Yours sincerely


Marianne Jarvis
Hall & Woodhouse Limited