



## Community nomination in respect of

### **Railway Inn Public House, Station Road, Norton Bridge ST15 0NT**

Notice under section 91 of the Localism Act 2011

#### **1 Nomination**

On 1<sup>st</sup> March 2024 the Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list the **Railway Inn, Car Park and Paddock, Station Road, Norton Bridge ST15 0NT** as an asset of community value. The nomination was made by **Chebsey Parish Council** and the **Friends of Norton Bridge**. A copy of the nomination is attached at **Appendix 1** and a plan showing the boundaries of the nominated land is attached at **Appendix 2**.

#### **2 Law and Statutory Guidance**

Under section 87 of the Act the Council must maintain a list of land of community value in its area. A building or other land is of community value if in the Council's opinion an actual current use of the building or other land that is not 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.

Under section 89 the Council can only include land in its list of assets of community value in response to a community nomination or where permitted by regulations. A community nomination in England can only be made by either a parish council in respect of land within its area or by a person that is a voluntary or community body with a local connection. Where a valid community nomination is made the Council must consider it and must accept the nomination if the land is within its area and is of community value

#### **3 Decision and Reasons**

The Council **partially accepts** the nomination by **Chebsey Parish Council** and **Friends of Norton Bridge** to include the **Railway Inn, Norton Bridge** in its list of assets of community value.

The reasons for this decision are as follows:

1. The Railway Inn lies within the Borough of Stafford. An aerial photograph of the land shows a building with adjacent hard surfacing and an adjoining large grassed field area.
2. Chebsey Parish Council and Friends of Norton Bridge are both bodies eligible to make the application under section 89 of the Act. Friends of Norton Bridge is an unincorporated body and has submitted evidence of at least 21 local members who are registered electors for the area.
3. The land does not appear to fall within a description of land which may not be included in the list as specified in Schedule 1 of the Regulations.
4. In order for a listing to be successful, a nomination must show that the land is of community value. This can be achieved by showing evidence of an actual, non-ancillary, use of the land that furthers the social wellbeing or social interests of the local community, currently, or that furthered such interests in the recent past.
5. The land was previously nominated for listing in 2017. The public house was closed at the time of that nomination, but had operated from the 1980's until September 2016. Community use of the pub had declined considerably in the years leading to the closure and the Owner asserted that the condition of the building meant that it would cost around £63,000 to bring the pub back into use. The Council had no evidence to suggest otherwise. The nomination was therefore refused on the basis of there being no reasonable prospect of any community use realistically occurring in the next 5 years.
6. The previous nomination also sought to list the adjacent field. The Owner asserted that the field had been used for grazing for the last 10 years and was functionally separate from the public house. There was insufficient evidence of a significant community use of this field, and the listing was refused.
7. The current nomination states that there is now an actual current use of the public house. It states that the pub re-opened in 2021 under the new management of "Izaak Walton Brewhouse". They operate a pub and a brewery business at the premises. The owners manage an active Facebook page that is regularly updated with events at the pub.
8. As well as operating as a pub, where village residents meet and socialize, the premises host a number of community events such as meetings of Friends of Norton Bridge, MacMillan Coffee mornings and the Chebsey Parish Local History Society. The nomination includes testimonies from 19 local residents who confirm that the pub is well

used and a petition to list the pub has been signed by more than 200 residents of the local and surrounding area.

9. The nomination states that the adjoining car park should also be listed. This is on the basis that it is an integral part of the public house use and that it has also been used to stage community uses such as provision of outside seating, Christmas and Easter markets, annual summer party, celebration of special events such as the Queens Platinum Jubilee and the Kings Coronation, regular food nights with food vendors and regular brewery tours and open days. Acknowledgement of the use of the car park has also been made within the testimonies of local residents.
10. The nomination also refers to a “Paddock” area of land, which has held village fetes “in past times” and where “recently” there has been added some seating and wildflowers. The nomination includes a photograph from 3<sup>rd</sup> September 2023, which shows a small grassed area of land with pub benches, some wildflowers and a chicken coup. The grassed area appears to be a small area to the North-West of the car park. Both the car park and the small “Paddock” area appear to be fenced off from the larger field area to the West.
11. The pub itself appears to have overcome the concerns that were raised when it was previously nominated in 2017. The pub is open and has been operating since 2021. It is a pub that is open to the public, there is evidence of use by the local community, and its use furthers the social wellbeing and interests of the local community.
12. The car park appears to be functionally tied in with the pub use, both as a car park for patrons and also in the holding of events connected with the pub. The use of the car park appears to be part and parcel of the primary use of the land as a pub and not just ancillary to the pub use.
13. The small “Paddock” area to the North-West appears to have some seating which can be used by the community in connection with the main pub use. The land sits separately from the pub and car park, and is also used for planting wildflowers and rearing chickens. Its recent use for some outside seating appears ancillary to the main pub use rather than a significant community use in its own right. There is insufficient evidence to show that this area of land has been used to stage community events in its own right , or that its use is integral to the community use of the pub.
14. The larger field area to the west is included in the nomination, but there is insufficient evidence to show that it has had any significant community use. Previously the owners had stated that the fields was

used for grazing and there is no evidence to dispel that suggestion within the current nomination.

15. The use of the pub and its car park has been ongoing since 2021 and still appears to be active. There is no evidence before me to suggest that continued non-ancillary community use is not realistic. I note that the owner has advertised the car park, and “paddock” area for sale and potential development for housing. I am not aware of any current application, or permission, for housing development at this site. While the advert may indicate an intention of the owner to sell and/or apply for permission to develop the land, there is also a possibility that this may not come to fruition and that the current community use could continue.
16. For the reasons set out above, the nomination of the public house, and its adjoining car park is successful, and the land will be listed on the register of community assets. The nomination of the “paddock” and larger field area is unsuccessful and that area of land will not be listed.

#### **4 Next Steps**

**Railway Inn, Station Road and adjoining Car Park** will be included in the list of assets of community value maintained by the Council under section 87 of the Act. The adjoining Paddock/Field areas will not be listed.

In accordance with section 91 of the Act the Council will send this notice to:-

- (a) the owner of the land
- (b) the occupier of the land if the occupier is not the owner
- (c) Chebsey Parish Council and Friends of Norton Bridge as the nominee bodies.

#### **5 Consequences of Listing**

The land will remain on the list of assets of community value for a period of 5 years from the date of this notice unless removed with effect from some earlier time in accordance with the provision of the Regulations.

Inclusion of the land in the list of community assets is a local land charge under the Local Land Charges Act 1975.

The Council is required under Schedule 4 of the Regulations to apply to the Land Registry for a restriction to be added to the registered title of the land that "No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011".

Under section 95 of the Act an owner must notify the Council by writing to the Head of Law and Governance, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ if they wish to enter into a relevant disposal of

the land. Relevant disposal is defined in section 96 and (subject to exemptions in section 95(5) and Schedule 3 of the Regulations) means, a freehold disposal or the grant or assignment of a qualifying leasehold interest, with vacant possession.

A moratorium period is triggered by notification under section 95 to allow any community interest group to submit a written request to be treated as a potential bidder for the land. Owners are advised to refer to the Part 5 Chapter 3 of the Act and the Regulations in full and to seek legal advice if they wish to dispose of the land. A disposal of listed land which contravenes the requirements of Act and Regulations will be ineffective.

## **6 Right of Review**

In accordance with section 92 of the Act the owner of the land is entitled to request a review of this decision. The review will be carried out by a senior officer of the Council nominated by the Chief Executive. A request must be made in writing and received by the Council within 56 days of the date of this notice or such longer period as the Council may agree in writing. Please ensure that the request explains on what grounds the decision should be reviewed.

If a request is made the Council will complete the review within 56 days of receiving the request or such longer period as is agreed with the owner in writing. A request must be addressed to the Chief Executive, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ.

## **7 Right to Compensation**

In accordance with paragraph 14 of the Regulations an owner or former owner of the land is entitled to claim compensation from the Council of such amount as the Council may determine, where they have incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.


A claim for compensation must be made in writing within 91 days of the loss or expense being incurred (or as the case may be) finish being incurred; must state the amount of compensation sought for each part of the claim and be accompanied by supporting evidence for each part of the claim.

If a claim is made the Council will consider the claim as expeditiously as possible. A request must be addressed to the Head of Law and Governance, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ.

## **8 Additional Help**

Further information about assets of community value is available from the website <http://mycommunityrights.org.uk/community-right-to-bid/> If you need any additional support in relation disposal of the land, the right of

review or right to compensation you are advised to seek independent legal advice.

Signed:   
Dated: 22<sup>nd</sup> April 2024  
Head of Law and Governance