

Public Document Pack



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1 December 2023

Dear Councillor

NOTICE OF DELEGATED DECISION – (DD28 23) REVIEW OF DECISION TO INCLUDE PLOUGH INN, RIPPLE ON COUNCIL’S LIST OF ASSETS OF COMMUNITY VALUE

Please find attached details of a decision taken by Mrs Louise May, Strategic Director (Corporate and Regulatory), that the Plough Inn, Church Lane, Ripple should remain on the Council’s list of Assets of Community Value.

As a non-Key Officer Decision, call-in does not apply (paragraph 18(a) of Part 4 (Rules of Procedure) of the Constitution).

Members of the public who require further information are asked to contact Democratic Services on 01304 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in cursive script that reads "Kate Breezy - Smith".

Democratic Services Officer

ENCL

- 1 **NOTICE OF DELEGATED DECISION - (DD28 23) REVIEW OF DECISION TO INCLUDE PLOUGH INN, RIPPLE ON COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE** (Pages 2-5)

Decision Notice

Delegated Decision

Decision No:	DD28
Subject:	REVIEW OF DECISION TO INCLUDE THE PLOUGH INN, CHURCH LANE, RIPPLE ON THE COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE
Notification Date:	1 December 2023
Implementation Date:	29 November 2023
Decision taken by:	Louise May, Strategic Director (Corporate and Regulatory)
Delegated Authority:	Delegation 81 to the Strategic Director (Corporate and Regulatory) of the Scheme of Officer Delegations (Section 6) of Part 3 (Responsibility for Functions) of the Constitution
Decision Type:	Executive Non-Key Decision
Call-In to Apply?	No (<i>Call-in does not apply to non-Key Officer decisions</i>)
Classification:	Unrestricted
Reason for the Decision:	A request for a review of the listing of the Plough Inn, Church Lane, Ripple within the Council's list of Assets of Community Value was received from the owner. The owner is entitled to request a review of the listing.
Decision:	That the Plough Inn, Church Lane, Ripple should remain on the District Council's list of Assets of Community Value (ACV).

1. Introduction

- 1.1 On 13 July 2023, following application by Ripple Parish Council, the nomination for the listing of the Plough Inn was considered by Roger Walton, Strategic Director (Place & Environment). Mr Walton concluded that the Plough Inn was an Asset of Community Value, satisfying the statutory criteria within section 88(1)(a) & (b) of the Localism Act 2011 (the Act); he therefore accepted the nomination and caused the Plough Inn to be included in the District Council's list of Assets of Community Value.
- 1.2 Subsequently on 20 July 2023, Mr Walton received notification that the owners of the land in question had not been notified of the review, as is required by Regulation 8 of the Assets of Community Value (England) Regulations 2012 (the Regulations). By email on 27 July 2023, Mr Walton accepted that this stage of the process had been omitted.
- 1.3 The owners were subsequently invited to request a review of the decision, which they did by email on Monday 9 October 2023. I am required to conduct this review under section 92 of the Act and the Regulations. In so doing I am required to look at the nomination afresh but in the light of any representations made by the owners.
- 1.4 It is further worthy of note that, on 26 October 2023, the Council's Solicitor wrote to the owners to confirm that the only lawful way to rectify the error referred to in paragraph 1.2 above was to conduct a review of the decision under s.92 of the Act. At this point, she requested that they submit any further information they wished to be considered during the review process. No response was received to this email.

1.5 Section 88 of the Localism Act sets out the tests which must be met in determining what is an Asset of Community Value. The section deals with two situations. Section 88(1) of the Act is engaged when there is an actual current use of the land which furthers the social wellbeing or social interests of the local community. Section 88(2) of the Act is engaged where there is no actual current use but there is a use in the recent past which has furthered the social wellbeing or social interests of the local community.

1.6 There is an actual current use of the Plough Inn. This fact is not in dispute and I have therefore confined my consideration to Section 88(1) of the Act. Neither is there any question as to the validity of the nomination under Section 89 of the Act and I therefore accept that Mr Walton was satisfied as to the validity of the nomination when he made his decision.

1.7 The test I am required to consider is as follows, as set out in Section 88(1) of the Act:

(1) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area is land of community value if in the opinion of the local authority—

(a) 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

(b) 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.

2. Matters considered in reaching the decision

2.1 In determining the review, I have taken the following into consideration in reaching my decision:

1. Chapter 3 of Part 5 of the Act;
2. The Regulations;
3. Nomination Form submitted by Ripple Parish Council received on 19 May 2023;
4. Correspondence between the owners and Mr Walton in July 2023;
5. Correspondence between the owners and the Council's Solicitor at various dates between July 2023 and October 2023; and
6. Decision Notice DD14 23 setting out the decision to include the Plough Inn, Ripple on the Council's list of Assets of Community Value dated 13 July 2023

3. Review of application and submissions

Context

3.1 The Plough Inn is a public house located within the small village of Ripple. It is understood that the property dates back several centuries and was first used as an Ale House in the early 1800s.

Summary of Mr Walton's Decision

3.2 In his decision notice, Mr Walton set out a considerable amount of detail about the nomination by the Parish Council. In coming to his decision to add the land to the list

of Assets of Community Value, he was very much of the view that the evidence and nomination made by the Council makes it clear that the Plough Inn provides benefit to the local community and wider area.

- 3.3 On this basis, he concluded that there was an actual current use of the site which furthers the social wellbeing or social interests of the local community and that there was nothing to suggest that there cannot continue to be non-ancillary use of the building or other land that will further the social wellbeing or social interests of the local community.

4. Consideration of review

- 4.1 As stated above, I have not received any further information to consider in respect of the listing request and so can only consider the same evidence presented to Mr Walton on his consideration of the original listing.

- 4.2 I rely on the same paragraphs of the nomination made by Ripple Parish Council as set out in Mr Walton's decision, those being:

"The Plough Inn is the only pub in the village. The alternatives are a seasonal cafe/ice cream parlour opening limited day time hours in summer only, and small village hall with few facilities. The Plough was built in 1725 and was first registered as a beer retailer and grocer in 1811. Parts of the building are original. The pub has traded continually since 1811. The pub car park across the road as shown on the map provided, is also used by agreement with the villagers and would be a huge loss with as the village narrow roads provide very limited parking. The pub has disabled access. The food is rated as excellent on Trip Advisor and the pub has recently received an award for best winter pub in the area this year, from the local CAMRA group, appearing on the front cover of The Channel Draught magazine, issue 85.

The pub provides food all day, breakfast, lunch and dinner, including special offer meals on particular nights that are very competitively priced. Amenities include; free wi-fi, TV used to show sporting and other special events, a beer garden and marquee which are both ideal for families and dogs, even horses on occasion. The marquee and gardens being used for special events such as live music, Beer festivals, birthday/anniversary and wedding parties, and seasonal events such as for the recent Coronation.

There are letting rooms above the pub which are very useful for those in the village with limited space for visiting friends and relatives. There are regular quizzes where part of the money raised is given to charity.

The pub is the heart of the village for many people. If this were to cease to become a pub, there would be a danger that many would be more isolated. The nearest social venues are all outside of the village by some way and can only be accessed by car or bike as buses are so infrequent. This pub is an integral part of village life and adds greatly to the villager's sense of wellbeing and of being part of a community."

- 4.3 On the basis of this submission, I am equally satisfied that there is an actual current use of the building or other land that is not an ancillary use which furthers the social wellbeing or social interests of the local community. I therefore consider that the test within s.88(1)(a) of the Act is satisfied.

- 4.4 In respect of the test within s.88(1)(b), I can conclude that I have not been presented with any information or evidence which would contradict the view taken by Mr Walton as to the continuation of the community use of the Plough Inn, Ripple. I am therefore of the view that it is realistic to think that there can continue to be a 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.

4.5 I therefore consider that the requirements of the Act as set out at Section 88(1)(a) and (b) are met.

5. Conclusion

In conclusion, taking all these points into account, I am satisfied:

- That the test set out in section 88(1)(a) & (b) of the Act as to whether (a) there is 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 (b) it is realistic to think that there can continue to be a non-ancillary use of the building or other land that would further (whether or not in the same way) the social wellbeing or social interests of the local community, has been met.

I have therefore decided that the property should remain included within the District Council's list of Assets of Community Value.

6. Any Conflicts of Interest Declared?

No.

7. Supporting Information

None.