

# Public Document Pack



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17 July 2023

Dear Councillor

## **NOTICE OF DELEGATED DECISION – (DD14 23) APPLICATION TO INCLUDE THE PLOUGH INN ON COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE**

Please find attached details of a decision taken by Mr Roger Walton, Strategic Director (Place and Environment), to include The Plough Inn, Church Lane, Ripple 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](mailto:democraticservices@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink that reads "Kate Breezy - Smith". Below the signature is a short horizontal line.

Democratic Services Officer

ENCL

1 **NOTICE OF DELEGATED DECISION - (DD14 23) APPLICATION TO INCLUDE PLOUGH INN ON COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE** (Pages 2-5)

## Decision Notice

## Delegated Decision

<b>Decision No:</b>	<b>DD14</b>
<b>Subject:</b>	<b>APPLICATION TO INCLUDE THE PLOUGH INN, CHURCH LANE, RIPPLE ON THE COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE</b>
<b>Date of Decision:</b>	<b>13 July 2023</b>
<b>Notification Date:</b>	<b>17 July 2023</b>
<b>Implementation Date:</b>	<b>17 July 2023</b>
<b>Decision taken by:</b>	<b>Roger Walton, Strategic Director (Place and Environment)</b>
<b>Delegated Authority:</b>	<b>Delegation 265 of the Scheme of Officer Delegations (Section 6) of Part 3 (Responsibility for Functions) of the Constitution</b>
<b>Decision Type:</b>	<b>Executive Non-Key Decision</b>
<b>Call-In to Apply?</b>	<b>No (<i>Call-in does not apply to non-Key Officer decisions</i>)</b>
<b>Classification:</b>	<b>Unrestricted</b>
<b>Reason for the Decision:</b>	An application has been received to include the Plough Inn, Church Lane, Ripple within the Council's list of Assets of Community Value.
<b>Decision:</b>	To include the Plough Inn, Church Lane, Ripple, within the District Council's list of Assets of Community Value (ACV).

## 1. Introduction

- 1.1 In determining this application, I have been mindful that I need to determine the nomination in accordance with the provisions of Chapter 3 of the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012.
- 1.2 This requires that community nominations to include a property within the District Council's list of Assets of Community Value meet a series of tests including:
- (a) That the provisions of section 89 of the Localism Act are met with regard to the validity of the nomination.
  - (b) Whether the actual current use (not an ancillary use) of the building or other land is one that furthers the social wellbeing or social interests of the local community; AND whether it is realistic to think that there can 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 (whether or not in the same way as the current use) and if not;
  - (c) Whether 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 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.

## **2. Matters considered in reaching the decision**

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

- (a) Chapter 3 of Part 5 of the Localism Act 2011
- (b) The Assets of Community Value (England) Regulations 2012
- (c) Nomination Form submitted by Ripple Parish Council and received on 19<sup>th</sup> May 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.
- 3.2 In considering the nomination received from Ripple Parish Council, I shall now consider in turn whether each of the three ‘tests’ noted at paragraph 1.2 above are met:

### **A. Validity of the Nomination**

- i. Section 89(2)(b)(i) of the Localism Act notes that “For the purposes of this Chapter “community nomination”, in relation to a local authority, means a nomination which... is made by parish council in respect of land in England in the parish council’s area.
- ii. Ripple Parish Council is a Parish Council, and the Plough Inn Public House is within the boundaries of the Parish Council and so clearly this test is met.

### **B. Does the actual current use (not an ancillary use) of the building further the social wellbeing or social interests of the local community; AND is it realistic to think that there can 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.**

- i. The application submitted by Ripple Parish Council states as follows:

*“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."*

- ii. The submission made by the Parish Council sets out very clearly the benefits that the Plough Inn Public House provides to the local community and the wider area.
- iii. I am therefore satisfied that an actual current use of the site furthers the social wellbeing or social interests of the local community. There is also 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.
- iv. I therefore consider on balance that the requirements of the Localism Act 2011 as set out at Section 88(1)(a) and (b) is met.

**C. Whether 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 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.**

- i. Given that I have determined that the current use of the premises is furthering the social wellbeing or social interests of the local community and that it is realistic to think that there can continue to be non-ancillary use which will further (whether or not in the same way) the social wellbeing or social interests of the local community, there is no need therefore to consider whether the test set out at C. above is satisfied.

#### **4. Conclusion**

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

- a) That the nomination meets the definition of a community nomination as set out in Section 89(2)(b)(i) of the Localism Act 2011.
- b) That the nominating body has provided reasonable justification to satisfy the test set out in section 88(1)(a) & (b) of the Localism Act 2011 as to whether an actual current use of the building or other land that was not an ancillary use furthered the social wellbeing or 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 that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community

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

**5. Any Conflicts of Interest Declared?**

None.

**6. Supporting Information**

None.