



List of Unsuccessful Nominations for Assets of Community Value

Name and Address of Property	Nominator	Decision Date	Reason for Not Listing
Lea Hall Miner Welfare Centre, Sandy Lane, Rugeley, WS15 2LB	Lea Hall Tennis Club	12 February 2021	Set out below
Cardigan Place Community Garden, Hednesford, WS12 1AQ	Hednesford Town Council	28 February 2022	Set out below
Cannock Wood Methodist Chapel, Chapel Lane, Cannock Wood, WS15 4SE	Cannock Wood Parish Council	8 April 2022	Set out below

Lea Hall Miners Welfare Centre, Rugeley

The reasons for the decision to not list the Lea Hall Miners Welfare Centre are as follows:

1. The Welfare Centre lies within the District of Cannock Chase. The nomination covers an area of land shown as edged red in a plan associated with a planning application reference: CH/20/292. The area of land is currently shown in the plan as consisting of two areas of tennis courts and an immediately adjacent building.
2. Lea Hall Tennis Club is an Unincorporated Community Group, with at least 21 local members, and is therefore a body eligible to make the application under section 89 of the Act.
3. The Nomination made by Lea Hall Tennis Club meets the requirements of the Assets of Community Value (England) Regulations 2012 ("the Regulations").
4. The land does not fall within a description of land which may not be included in the list as specified in Schedule 1 of the Regulations.
5. The land currently appears to consist of four separate tennis courts, and an adjacent small building. Planning Application reference: CH/20/292, in respect of the land, was considered by the Council's Planning Control Committee on 3rd February 2021. The officer report contains information from Sport England, based upon their discussions with the planning applicant. It is stated that two of the four courts had not been used in over 10 years and are in a state of disrepair. The applicant also considered that there were currently no more than 25 users of the remaining courts and that it was unlikely that the Tennis Club would be able to obtain sufficient funding to bring the two redundant courts back into use.
6. The nomination states that the tennis club currently has 15 members using the available courts regularly 3 days a week, and a further 14 members using the facilities another day. It states that the club has taken part in the local tennis league, holds regular coaching sessions with school pupils during term time and that it serves the local areas of Rugeley and Brereton.
7. The use of the land as tennis courts is not an ancillary use and is a use that furthers the social interests of the local community. At the time of the nomination, therefore, it could be considered as having a community use.
8. Notwithstanding its current community use, in deciding whether the land should be listed, I am required to consider whether it is realistic to think that there can continue to be non-ancillary use of the land which will further the social wellbeing or social interests of the local community.
9. It should be noted that the community asset listing process is not a mechanism designed to regulate the planning use of land. That aspect is determined under the separate statutory planning process. The listing process is merely a mechanism whereby community organisations may be informed of a landowner's intention to dispose of a community asset, and whereby any such disposal can be delayed for a limited time to enable community groups to consider and offer their own bids to purchase the land. The landowner is not required to sell their land to a community group and is not prevented from submitting a planning application to change the use of the land.

10. In this case, the landowner has already submitted a planning application for change of use of the land. Application reference: CH/20/292 proposes the development of 14 residential units on the land. The application was determined by the Council's Planning Control Committee on 3rd February 2021. The Committee decided that the application should be approved.
11. In light of the fact that permission is to be granted for change of use of the land to enable development of residential units, I do not consider that it is realistic to think that the land can continue to serve a community use under the terms of s.88 of the Localism Act 2011.

Cardigan Place Community Garden, Hednesford

The reasons for the decision to not list the land at the Cardigan Place Community Garden are as follows:

1. The land lies within the District of Cannock Chase. The nomination covers an area of land shown as edged yellow, and labelled "A" within the nomination.
2. Hednesford Town Council is a body eligible to make the application under section 89 of the Act.
3. The Nomination made by Hednesford Town Council meets the requirements of the Assets of Community Value (England) Regulations 2012 ("the Regulations").
4. The land does not fall within a description of land which may not be included in the list as specified in Schedule 1 of the Regulations.
5. The land is a small piece of land in Hednesford Town centre. It appears to be fenced off on all four sides and is currently overgrown and derelict.
6. The nomination describes a former use of the land as that of a "community garden". It also mentions that such use was "about fifteen years ago".
7. As there appears to be no current community use of this land, s.88(2) of the Localism Act 2011 requires me to consider whether "there is a time in the recent past when an actual use of.....the land that was not an ancillary use furthered the social wellbeing or interests of the local community", and whether "it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the.....land that would further....the social wellbeing or social interests of the local community".
8. The current state of the land is not commensurate with a community use and the land does not appear accessible to the public. There is no detail within the nomination as to what the "community garden" use consisted of, and more information would need to be provided to substantiate a claim of previous community use. However, it does appear to acknowledge that the land was last used in this way around fifteen years ago. I do not consider that this would constitute a "recent" community use of the land in any event.

9. The Town Council advise that they have approached the owner with a view to purchasing, or managing, the land for community use. It appears that the owner did not wish to sell, or otherwise open up access to the land, as he intends to develop the land in conjunction with other adjoining land (albeit there does not appear to be any current planning consent for development of the land in this way).
10. Given the long period of time that the land has not been used by the community, the fact that the land appears inaccessible to the public and would serve no immediately apparent community purpose in its current state, and the fact that the owner does not wish to allow community access to his land, I do not find sufficient evidence to suggest that it would be realistic to think that the land could be brought into community use within the next five years.

Cannock Wood Methodist Chapel, Cannock Wood

The reasons for the decision to not list the Cannock Wood Methodist Chapel are as follows:

1. The chapel lies within the District of Cannock Chase. The nomination covers the chapel building itself. There is no adjoining land.
2. Cannock Wood Parish Council is a body eligible to make the application under section 89 of the Act.
3. The Nomination made by the Parish Council meets the requirements of the Assets of Community Value (England) Regulations 2012 (“the Regulations”).
4. The chapel does not fall within a description of land which may not be included in the list as specified in Schedule 1 of the Regulations.
5. The nomination states that “This [is] one of the oldest buildings in Cannock Wood. Built in 1836 and used continually ever since. It is well loved, decorated inside and outside and maintained as far as current funding will allow. There is a weekly religious service. The occasional flower displays and fundraising events for local needs.”
6. The physical appearance and heritage value of the building itself is not relevant to whether the building should be listed as a community asset. The listing process is purely concerned with the use of the building. The chapel appears to still be in use, and there is no evidence to suggest that it is being used differently than it has in the recent past. The question is, therefore, whether the actual current use, that is not ancillary, will further the social wellbeing or social interests of the local community.
7. The primary (or non-ancillary) use of the building appears to be as a place of religious worship. The nomination states that there is a weekly religious service. The “occasional flower displays and fundraising events” do not appear to be primary uses of the building and would appear to be ancillary to the main use of the building as a chapel.
8. Section 88(6) of the Act defines “social interests” as including, in particular, each of the following: (a) cultural interests, (b) recreational interests, (c) sporting interests. Religious interests do not clearly fall within this definition.

9. In the case of General Conference of the New Church v Bristol City Council (CR/2014/0013), the First Tier Tribunal considered that the expression “*social wellbeing and social interests..... does not encompass religious observances in a church, mosque or synagogue etc, and that such a building will not in practice fall within section 88 unless there is some other non-ancillary use being made of it, which does further social wellbeing/social interests of the local community*”.
10. While the nomination does mention that weekly religious services are held, it does not provide any evidence of how the social interests of the local community are being furthered.

