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## DECISION NOTICE – COMMUNITY RIGHT TO BID

**Reference: 2018/006**

28 March 2019

<b>Proposed Asset of Community Value – Car park, storage and display area on the corner of John Clark Way and Rectory Road, Rushden</b>
<b>Nominated By:</b> Rushden Historical Transport Society
<b>Deadline for listing decision:</b> 11 February 2019
<b>Current Owner –</b> Northamptonshire County Council
<b>Action Taken Prior to Decision</b> <ul style="list-style-type: none"><li>• Notification to current owner of nomination who responded with additional information</li><li>• As required under Council’s Community Right to Bid Policy consultation with Vice Chair of Policy &amp; Resources Committee (Cllr G Greenwood-Smith) and Ward Members (Cllrs B Jenney and M Holloman) (The Chair of the Policy and Resources, Cllr R Lewis, who is also a relevant Ward Councillor, declared an interest as a member of the Society.)</li><li>• Review of previous nomination of site and subsequent appeal</li><li>• Review of Rushden Historical Transport Museum website</li><li>• Research for references on the definition of current and realistic future ‘community use’ for the purposes of making a decision on the nomination, in Assets of Community Value Guide by Christopher Cant QC.(Version 6)</li></ul>
<b>Background</b> <p>This nomination is the second for this property which is situated on the corner of John Clark Way and Rectory Road.. The site was initially listed as an Asset of Community Value (ACV) on 9/1/2014. The landowners subsequently appealed the decision on the grounds that the description of the use of the land was incorrect and that the main use did not further the social wellbeing or social interests of the local community and was not likely to do so in the future. After legal advice the appeal was not upheld and the asset remained listed as an ACV until 8/1/19.</p> <p>The legislation decrees that an asset should be listed for 5 years unless a relevant disposal is made during this period. After five years, the property must be re-nominated in order to remain an ACV.</p>

This decision relates to the re-nomination which has been considered in the same way as a completely new nomination would be. It should be noted that the interpretation of the Asset of Community Value legislation has developed considerably since 2013 through case law, as noted in Christopher Cant's Guide.

The nominated site is adjacent to the former Goods Shed in Rushden which was acquired by the Rushden Historical Transport Society after the last nomination. It is also opposite the former Rushden Station which has historically been the main focus for public activity by the Society.

The nominated site is currently leased by Northamptonshire County Council with the permitted use as 'parking of motor vehicles only'. In the nomination the site is described as being used as an occasional carpark to the museum across the road as it is considered by the Society to be particularly suitable for people with mobility difficulties. This use was confirmed in the comments by one of the ward councillors and was also included in the previous nomination

The nominated site has also been used for the storage of larger items from the society's historic transport collections. However visual observation indicates a smaller number of objects are currently stored there than previously, perhaps as some items may have been moved to the land round the Goods Shed itself. The items stored on the site were not intended to have public access although the site can be seen from the road.

Rushden Historical Transport Society is a formally constituted body with charitable status and is a valid community group for the purposes of nomination.

### **Considerations**

- *Does the proposed asset meet the definition of an asset of community value specified in Section 88 (1) paragraphs (a) and (b) of the Localism Act 2011 i.e. the main (i.e. non-ancillary) use furthers the social wellbeing or social interests of the local community, or has recently done so, and is likely to do so in the future (during the next five years)?*

#### **Current use**

The nomination form describes the nominated site as a car park, storage and display area. In the current use section they note that the site "provides parking for visitors close to the museum rooms in the station and the railway platform and is therefore ideal for those that have difficulty in walking or have other disabilities". The purpose of the Society, according to their Constitution is to "advance the education of the public in the history of transport and to provide a museum for the public exhibition of vehicles and other artefacts of relevant historical interest."

Review of the Society website also confirms that the Station Waiting Room also hosts a Real Ale Bar with a strong local membership. There is also a significant programme of events, from Mothers Day Tea to a radio controlled vehicle event, which would attract a wide range of local residents as well as other visitors.

I am therefore satisfied that by enabling parking for activities held by the Society at either of their adjacent venues, the site is contributing to the social wellbeing or social interests of the local community.

It has been suggested by the landowner that use of the nominated site in this way for parking is ancillary to the community use of the Goods Shed and Station. However there is no definition as to what constitutes 'ancillary'/'non-ancillary' within the legislation. However in relation to the site, the use for car-parking appears to be the current primary use (and any storage of vehicles/collection increasingly secondary) of the site as there is no other use indicated.

### ***Future use***

The nominated land is held on a tenancy at will basis by the Rushden Historical Transport Society which can be terminated on short notice by the land owner so there is no real legal certainty regarding their continued use and occupation of the site. It is understood that the primary purpose of the land being held is to facilitate any future road improvements in this area and for that reason there is no current intention to sell the site.

However the landowner has confirmed that the site has been marketed on a lease basis for at least nine months with a view to securing an income from the site. The landowner has noted this as a reason for it not being a reasonable community use currently or in the future.

Rushden Historical Transport Society have indicated that if they retain access to the site it will continue to be used for the parking plus to give access to the rear of the Goods Shed for maintenance.

The position of the site on a busy junction, and desire to retain flexibility for future highways changes, has apparently limited interest up to this point. There is no reason at this stage to suppose that the Historical Transport Society might not be able to offer the best price for any lease if necessary.

In addition, in the absence of positive plans for the site, there is also the option that the site might be leased for other community purposes.

I have therefore concluded at this stage that it is not unreasonable to conclude that there is a reasonable prospect of future use which furthers the social wellbeing or social interests of the local community.

- *Does the proposed asset meet any of the criteria for exemption specified in Section 88 (3) and associated regulations?*

There is no evidence that the land meets any of the exemption criteria.

- *The views of the Chair of Policy & Resources Committee and Ward Members:*

The Vice Chair of Policy & Resources Committee was supportive of the nomination and noted the potential negative impact on the activities of the Rushden Historical Transport Society should the nominated site not be available for their use given their activities on the adjacent sites.

The two Ward Members were also supportive of the nomination. One argued that continued community use would enhance the recent purchase of the adjacent land, whilst the other noted the importance of providing an area for additional parking, that is convenient for both the station site and the Goods Sheds and the potential to make the site tidier and more appealing.

## **Decision**

**Having considered all the factors above, it is my view that the nominated asset falls within the category of an asset of community value as defined by the Localism Act and associated regulations and that it should be listed as such by this council.**



**Sharn Matthews**  
**Executive Director**  
**27/03/19**