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Council

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## DECISION NOTICE – COMMUNITY RIGHT TO BID

**Reference: 2016/002**

01 April 2016

**Proposed Asset of Community Value** – Fletton Field – Oundle (Former Oundle CoE Primary School Playing Field)

**Nominated By:** Oundle Town Council - date

**Deadline for listing decision:** 04/04/16

**Current Owner** – Northamptonshire County Council

### **Action Taken Prior to Decision**

- *Notification to current owner of nomination*
- *Consultation with Chair of Policy and Resources Committee (Cllr R Lewis) and Ward Member (Cllrs Reichhold, Stearn and Vowles) as required under Council's Community Right to Bid Policy*
- *Site visit by Executive Director and Monitoring Officer 19/2/16*
- *Additional information sought from Oundle School and Oundle Primary School in relation to maintenance and access arrangements*

## 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)?

### *History of the Site*

- The field was historically associated with Oundle Workhouse from 1899. It appears to have been used as allotments in the 19<sup>th</sup> century and for most of the 20<sup>th</sup> century. The Local Government Act of 1929 transferred the Poor Laws to local authorities and the ownership passed to Northamptonshire County Council. It was formally designated as the Playing Field from 1973 for the Oundle CoE Primary School. Primary School use ended in Autumn 2015, when as part of the change from three to two tier education system in the area, all school sports were transferred to the Cotterstock Road site and 'ownership' reverted to NCC

### *Evidence of recent community use that furthers the social wellbeing or social interests of the local community.:*

- Whilst there appear to be no formal rights of way over the field, and it appears that one 'historic' regular access route, from Oundle School Chapel Grounds to Fletton House, ceased when a stile over the wall was removed, the evidence provided by the nominating group indicates that there was free access to the field via the foot-path to Glaphorn Rd and the 'vehicle' access via Fletton House for most of the recent past – the exception being during construction of the new Abbot House when access was restricted.
- Information provided by Oundle Town Council as nominator, including statements by individuals and groups such as Oundle PHAB and the Community Pre-School Play Group, supports the view that current use furthers the social wellbeing of the local community as the site is in regular use by some local residents for informal activities such as dog walking, outdoor games, nature walks etc. Other uses are listed over the past 40 years shows more people having used it on a less regular basis for organised and informal activities.
- In addition Oundle School historically cut the grass (for many years under a gentleman's agreement with the Primary School) in return for them being able to call it 'Grafton Paddock' and have it for the use of one of their boarding houses in the evening and weekends in the summer. They also use the field out of term time when most residential courses and language schools use this as break out space and for activities in the holidays given its proximity to the pupil social clubs which act as the social hub for these groups.
- The Primary School has confirmed that it has not given formal authority for the organised community activities and that it has not itself organised any community events in the last five years (although its PSA has run an annual Easter Egg hunt on the field.) The Primary School has however on occasion (say 5 times in the past 12 years) given permission for parents to host a birthday party on the field in return for a donation to school funds. No evidence has been submitted to show that the Primary School took action to restrict access for more informal use. (Case law also suggests that community use doesn't have to be 'legal' to be acceptable as evidence of community use.)

### *Evidence of Future Community Use*

- The nominators note that there is a shortage of informal/freely accessible recreation/open space in central Oundle. (Many such spaces have no or limited access as they are in the ownership of Oundle School). The location of this site is close to the new Community Hub developed at Fletton House and the existing surgery and library. In addition Oundle Town Council has stated they would seek to raise the purchase price of the land via a variety of routes to ensure future use as an open space. Oundle School have also confirmed that they have offered to purchase the land to preserve it as green space.

*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 asset meets any of the criteria for exemption. The adjacent old and new Abbot House residential homes are not owned by NCC.

### *The views of the Chair of Policy and Resources Committee and Ward Member*

- Cllr R Lewis (Chair of Policy and Resources Committee) was supportive of the nomination and felt that field should be listed as an Asset of Community Value
- Cllr J Vowles noted that he was not “aware of any public use of this property other than by the Primary School itself, under the control of NCC Education Department,” but that “the application should be judged on its merits.”. Cllr R Reichhold supported this view.

### **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**  
**31/3/16**