

Community Nomination Form

FOR OFFICE USE ONLY

Reference Number	
Date of Validation	



ASSETS OF COMMUNITY VALUE COMMUNITY NOMINATION FORM

Section A: About your organisation

A1 Organisation's name and address

Name of organisation Charing Parish Council
Registered, main or head office address including postcode Parish Council Office 1st Floor, Charing Parish Hall Station Road, Charing, Kent, TN27 0JA

A2 Contact details

Name Dawne Austen
Position in organisation Parish Clerk
Address including postcode 6 Haffenden Meadow, Charing, Ashford, Kent, TN27 0JR
Daytime telephone no. 01233 713599
Email address cpclerk@charingkent.org

A3 Type of organisation

Description (pursuant to Regulation 5)	Put a tick against that which applies	Registration number (if applicable)
(a) Designated Neighbourhood Forum pursuant to s.61F of the Town and Country Planning Act 1990		
(b) Parish Council	√	
(c) Unincorporated body with at least 21 members which does not distribute any surplus it makes to its members		
(d) Charity		
(e) Company limited by guarantee which does not distribute any surplus it makes to its members		
(f) Industrial and Provident Society which does not distribute any surplus it makes to its members		
(g) Community Interest Company		

A4 Local Connection (pursuant of Regulation 4)

Unless you are a Parish Council (see below), your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Ashford Borough Council or a neighbouring local authority (Reg 4(1)(a)). Please explain what your association's local connection is.

Please note the following in relation to Community Nominations from Parish Councils (Reg 5(b)) –

A Parish Council making a Community Nomination in respect of land in its parish does not need to show a local connection (s.89(2)(b)(i)).

A Parish Council making a Community Nomination in relation to land in another parish has a local connection if the two parishes share a common boundary at any point. (Reg 4(2)(a)).

A Parish Council making a Community Nomination in relation to land which is not within a parish has a local connection if the parish is in the borough of Ashford or (if the parish council is outside the borough, it shares a common boundary with the borough of Ashford) (Reg 4(2)(b)).

(If you ticked (c) at Q.A3 please fill out the next question)

A5 Membership of Unincorporated Bodies (Reg 5 (c) (pursuant to Regulation 4(1)(c) and Reg 4(3))

In the case of an unincorporated body at least 21 of its members must be registered to vote in local government elections in the borough of Ashford or in a neighbouring authority's area. Please include a list of the current members of the body and their addresses. If they are registered to vote in the area of a neighbouring local authority, rather than in Ashford, please confirm which area this is.

(if you ticked (c), (e) or (f) in Q.A3 please answer the question below)

A6 Distribution of surplus funds (Unincorporated Bodies (Reg 5(1)(c)), companies limited by guarantee (Reg 5(1)(e)) and Industrial and Provident Societies (IReg 5(1)(f) (pursuant to Reg 4(b))

If your organisation is an Unincorporated Body, a Company Limited by Guarantee, or an Industrial and Provident Society then any surplus that it makes must be wholly or partly applied for the benefit of the administrative area of Ashford or a neighbouring local authority. Please confirm this and provide evidence by referring to the relevant part of the document provided pursuant to part A7.

A7 Required Documentation for your organisation (not required if a Parish Council)

Please provide us with an up-to-date copy of the following as relevant to your organisation	Please put a tick against the document provided
Memorandum and Articles of Association	
Trust Deed	
Constitution	
Interest Statement if a Community Interest Company	
Companies House Return	
List of Members	
Minute / authority authorising your organisation to make this Community Nomination	

Part B: Information concerning the land / building(s) which is subject to the Community Nomination

B1 Description and address

Name of land / building(s) The Oak (also known as The Royal Oak). The building is currently an Asset of Community Value and this is an application for a further 5 year ACV status when the current status expires on May 23rd.
Address including postcode 5, High Street, Charing, Ashford, Kent, TN27 0HU

*please note that we can only accept nominations for land within the borough of Ashford. If the land you wish to nominate is partly in and partly outside of the borough, then you should nominate that part which is outside of the borough to the appropriate local council in whose are it falls

B2 Detailed plan

Please include (here or on a separate sheet) a detailed plan of the land.

See separate sheet

The plan must:

- be drawn to scale
- be a copy of an extract from the Ordnance Survey map on the largest scale published (generally 1/1250 for urban properties and 1/2500 for rural properties), showing the land to which the application relates
- indicate the scale and orientation
- show the precise extent of the property by suitable edging (0.4mm max), and
- show the position of the land in relation to nearby roads and other relevant features.

*Please note that by submitting the plan, you authorise us to copy and publish as may be necessary

B3 Owners and others with an interest in the land/ building(s) (Reg 8)

Please provide the following information to the best that you are able. If any information is not known to you, please say so.

	Name(s)	Address(es)
Names of all current occupants of the land / building(s) (if there are different occupiers for different parts please provide details)	Unoccupied	
Names and current or last known addresses of all those owning a freehold interest in the land / buildings (s)	DLM Investments Ltd	Warwick House Park Corner Road Southfleet Gravesend, Kent, DA13 9LN
Names and current or last known addresses of all those owning a leasehold interest in the land / building(s)	We understand that there is a person or persons interested in renting the major part of the building but do not know if a lease has yet been signed.	

Please answer wither B4 or B5 below -

B4 For Land& building(s) currently in use for community benefit – why you think the land& building(s) is of community value

1. What is the current main use of the land / building(s)
Currently empty and unused

2. How does that current main use of the land / building(s) further the social wellbeing or social interests of the local community (defined in s.88(6) of the Act)

N/A

3. Why do you consider that this, or some other main use to which the land / building(s) will be put which will further the social wellbeing or social interests of the local community, will continue and over what period (defined in s.88(6) of the Act)

The Oak was, and could be again, the only full public house in or near the centre of Charing village.

B5 For Land/ building(s) not currently in use for community benefit (s.88 (2) of the act)

Please answer the questions below

1. If the land / building(s) main use in the recent past furthered the social wellbeing or social interests of the local community please confirm that use and explain how it did that (including dates for when this was) (defined in s.88(6) of the Act)

This was an active pub for many years until January 2015; census records mention The Royal Oak as far back as 1871. From the mid-2000s it was the only pub in the actual village of Charing. It also had a restaurant, function room and a number of bedrooms.

The six years and four months it has been empty is thus a short period of time compared with the length of time it was in use. The previous owner died in April 2015 and the need to obtain probate prevented it being put up for sale until the end of that year. The current owner purchased it in March 2016.

Prior to its closure and subsequent purchase by the current owner, The Oak was a meeting place for the village, being the only place that was open every day and evening. The function room provided scope for further gatherings and entertainment as did the restaurant. The bedrooms enabled friends and families of residents to stay in the village if the resident's own house could not accommodate them. Charing village had and has no hotels and limited B&B accommodation so this was welcome.

2. How do you anticipate that the land / building(s) will be returned to that use or put to some other main use which will further the social wellbeing or social interests of the local community and when do you consider this will happen

The building is still a pub, simply unused. An application (16/00698/AS) for change of use to convert the ground floor to A3 restaurant use only (specifically a coffee shop) was refused in July 2016. The owner appealed but the appeal was dismissed.

In late 2016 a listed building application (16/01731/AS) was made to enable the manager's flat, previously in the main part of the building, to be moved to the wing which accommodated most of the bedrooms. This was granted. No change of use application was made to accompany the listed building application and the new flat therefore remains part of the pub as a manager's flat.

In 2019 an application (19/01217/AS) was made to convert the main part of the building into four 2-bedroom apartments. This was refused in March 2020 and no appeal was made.

Thus attempts by the owner to change the legal use of the building have not succeeded.

In 2020, following the refusal of the 2019 change of use application, the owner started to refurbish the main building which had deteriorated badly and, in particular, started to convert the former manager's flat into letting bedrooms in order to facilitate the use of the building as a pub. (See planning and listed building consent applications 20/01797/AS and 20/01798/AS.) We have been informed that his intention is now to let the main part of the building for use as a pub.

Charing is a large village – a second tier settlement set to grow substantially over the next decade (see Ashford's Local Plan and Charing's Regulation 14 Neighbourhood Plan). Currently there is a micropub in the High Street, with a limited range of alcoholic drinks and no food offering other than snacks, and a sports and social club open only on certain days of the week. There is no full pub and nothing that can offer the range of opportunities for social interaction that the Oak could provide. Currently there is no tea room.

There is considerable and consistent public support for having The Oak back as a fully functioning pub. For example, a public meeting attended by well over 100 people was held in 2019 when the application to turn the main building into four separate apartments was submitted. Just four people voted in favour of residential use with nearly all the remaining attendees urging that the application be rejected. The Planning Officer's report also bears witness to the strength of feeling.

Further, in 2017, a community interest group was formed, supported by the Diocese of Canterbury and the Plunkett Foundation, with the intention of purchasing the building and then running it. In Autumn of that year an offer was made based on a formal valuation and a top line survey. However, the owner rejected the offer out of hand (see separate information).

Other offers have been made to the owner but rejected as he has held out for a higher price or ignored (see separate information for three examples).

Section C: Submitting this nomination

C1 Signature

By signing your name here you are confirming that the contents of this form and the documents enclosed are correct, to the best of your knowledge and belief.

I am duly authorised to sign on behalf of the nominating organisation -

Signature

Bill Heyland (Chair, Cuckoo Parish Council)

4/5/2021

C2 Where to send this form

You can submit this Community Nomination Form:-

By post to:

Legal and Democratic Services
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
TN23 1PL

If any further information is required the Council will contact you by writing to you or emailing you at the contact details you have provided in the Nomination Form

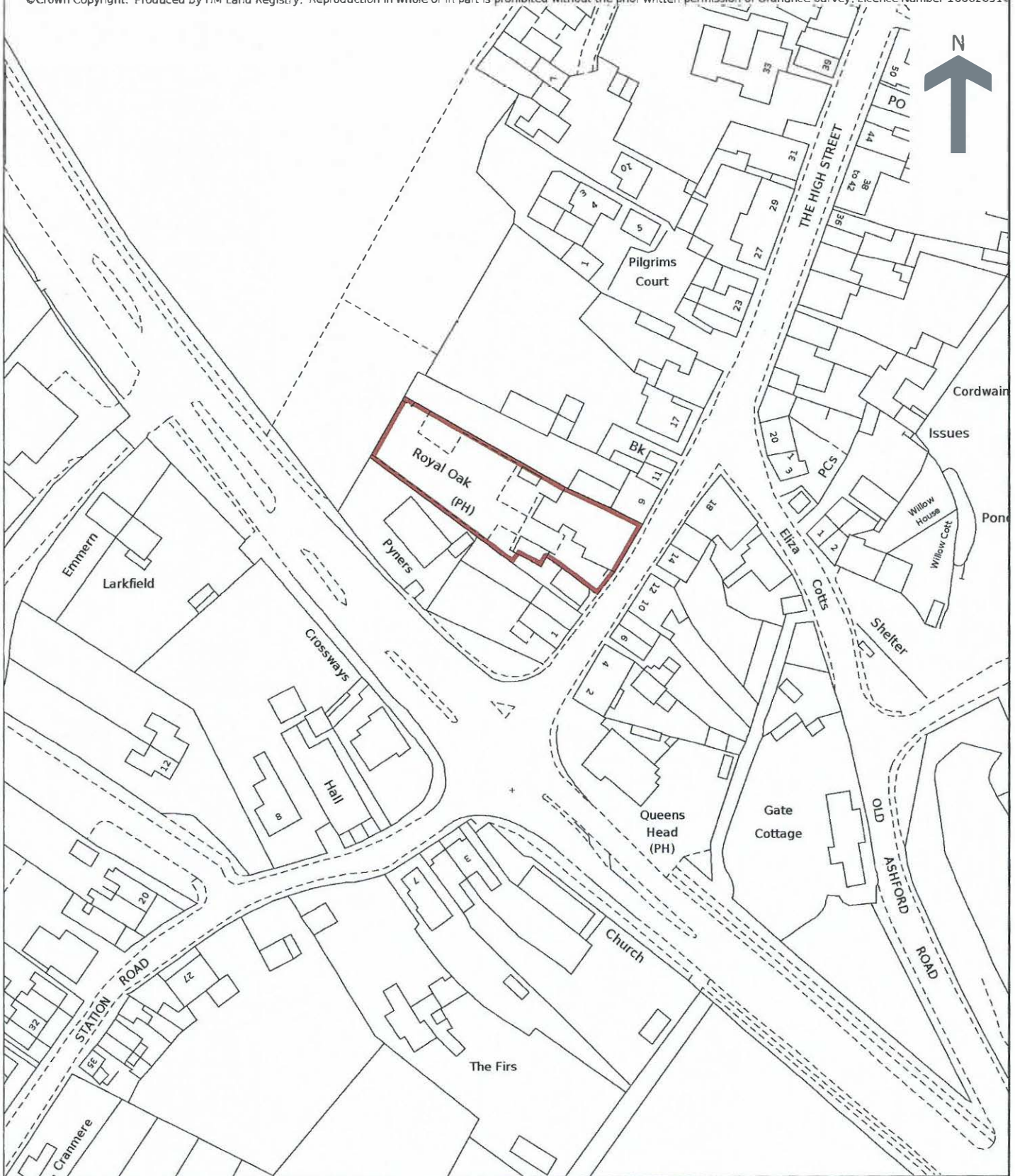
Any Reference to "Regulation" or "Reg" is to the Assets of Community Value (England) Regulations 2012 and any reference to the "Act" is to the Localism Act 2011

HM Land Registry Official copy of title plan

Title number **K854773**
Ordnance Survey map reference **TQ9549SW**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Kent : Ashford**



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Additional information regarding interest in acquiring The Oak

There have been a number of people interested in buying The Oak and running it as a pub, including a community group. Attached are emails and a statement concerning four of these attempts. In three of these cases the owner indicated he would only sell for an unrealistically high price. The fourth potential buyer was ignored.

The Community Group was formed in 2017 with the intention of purchasing The Oak and having it run as a pub. The Group was supported by the Diocese of Canterbury and the Plunkett Society. It obtained a formal valuation and a summary survey of The Oak together with a ballpark estimate of likely costs (all information available if needed) in the Autumn of 2017. An offer was made based on that information but was summarily rejected by the Owner (see email exchange on the following sheet).

Since it was clear that the Owner would not accept a price anywhere close to that indicated by the valuation and summary survey, the Group did not trigger the moratorium when the Owner indicated his intention to sell in 2018. The indicated and reserve price at the subsequent auction, which was for the main part of the building only, were also far higher than were consistent with the valuation and other information the Group had obtained and no bids were made.

Charing Parish Council

4th May 2021

Email exchange between Karen Adams, of the Diocese of
Canterbury, making an offer on behalf of the Community

9/30/2019

Gmail - Fwd: The Oak

From: Diljit Brar <[REDACTED]>
Sent: Tuesday, December 12, 2017 7:49 pm
To: Karen Adams
Subject: Re: The Oak

Group, and the owner.

Hi Karen, thank you for the email.

Your offer is not anywhere near acceptable.

Regards
Diljit Brar

Sent from my iPhone

On 12 Dec 2017, at 15:22, Karen Adams <[REDACTED]>

Dear Diljit

Thank you for your patience in bearing with us while we awaited the result of the valuation. We have now received this and, based on the valuation and the knowledge we have of the deteriorating state of the building, along with a review of how much it will cost to reopen, we are prepared to make an offer of £200,000. This offer is for the whole of the building and is subject to a full survey being completed.

I appreciate that this is lower than the price you originally quoted but it takes into account the current market value and the lack of upkeep in the building itself.

I look forward to hearing from you.

Best wishes

Karen

Please note I work part time and therefore may not be able to reply to your email straight away.

Karen Adams
Events Project Officer, Communities and Partnerships

Second Floor, The Old Palace, The Precincts, Canterbury, Kent, CT1 2EE
01227459401 /

New Online Database - Register for an account by clicking [here](#)

<NewLogoOctober2017_3f92f1aa-8719-4e95-87a6-9a409179ffbd.jpg>

Jill Leyland CPC

From: Clive Triance <[REDACTED]>
Sent: 04 May 2021 12:19
To: Jill Leyland
Subject: The Oak

Hi Jill,

I just wanted to confirm by email that I made an approach to the owner of The Oak on 16th Sept 2019 with a view to purchase the property and restore it as a village public house. I planned to form a partnership with the owner of a pub in a neighbouring village and run the pub myself.

I was told by the owner that he had applied for planning permission to convert the pub into flats, I have an email from him supporting that position. We did speak on the 17th September 2019 where he informed me that he might be convinced to sell, when we discussed a price, he asked for approximately 50% more than my prospective partner advised me was a fair price.

I suggested a compromise price, but he said he was reluctant to sell as he could make more by keeping it and converting it.

I have not spoken to him since, I have since moved on to other projects.

Thanks
Clive Triance

Dear Sir/Madam,

I understand that the status of The Oak in Charing as an Asset of Community Value will shortly be up for review. My wife and I moved into the village fairly recently (November 2017) and in early 2018, having settled in and assessed the amenities, considered The Oak as a potential business opportunity.

Whilst one recognises that there are headwinds (pre covid) in the food and beverage sector which has sadly led to many pubs closing down, it was clear to us, that Charing with its existing population and future growth plans, could sustain a well-run pub, especially as the only "competition" is a micro-pub that does not meet the criteria of serving both alcohol and food, and having car parking.

We undertook a significant renovation and update of our Grade II listed high-street house in 2018 & 2019 and employed the services of a builder and his many sub-contractors. We had been informed that the pub had been idle for some years and we approached the owner of The Oak to arrange an internal viewing so that our builder could assess the state of the property. We also invited local publicans, who run a very successful gastro pub, to view The Oak with us and give us their perspective.

We were appalled at the state of disrepair and the work and cost necessary to just reinstate the pub to the level of infrastructure to when it had last been in business. Beyond that, one would have had to incur significant additional expenses to reconfigure the property - restate the floor plan prior to internal work conducted under the present ownership, possibly change the perspective of the bar, the lay-out of the function room area & the kitchen space, and more generally, update and restyle the property. In itself, it would not necessarily have been a deal-breaker if the building could have been acquired at an appropriate price but our understanding of what the owner wanted for the property was unrealistic and we severed our interest and moved on to investing capital elsewhere.

It was such a great pity that the present owner had both, partially reconfigured internally which we think was to attain his objective of converting the property to residential use, and permitted the property to deteriorate, especially as it is Grade II listed.

There is no doubt that a thriving pub would further the social wellbeing or social interests of our local community. We were originally attracted to The Oak because we envisaged three sources of revenue; wet sales, dry sales and accommodation, plus a car park for eighteen vehicles. This combination would also serve tourists, walkers, cyclists, "out of towners" and crematorium & funeral attendees.

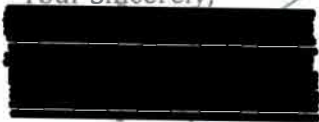
However, if the owner is intent on asking too much for the freehold and is purposeful in not maintaining the property appropriately, then it is clear to us that his path is to wait for it to lose its ACV status, apply for change of use and

dispose of it at a significant premium to cost as a property with multi-unit residential planning permission.

It is also our view that split purpose use would not be optimal. If the annexe and "bridge" were permitted for residential use, it reduces the value proposition of the pub component for potential buyers, as the accommodation revenue stream would be significantly negatively impacted.

We hope that you will look favourably on an extension of The Oak's Asset of Community Value status.

Your Sincerely,

A large black rectangular redaction box covering the signature of the sender.A large black rectangular redaction box covering the name of the sender.

Neale & Elaine Safaty



Jill Leyland [REDACTED]

Fwd: The Oak Pub Charing

Scott Chapman [REDACTED]

13 August 2019 at 16:18

To: [REDACTED]

Hi Jill,

Thank you for your time on the phone earlier.

I have forwarded an email I sent back in Nov 2018 - I resent it a few days later as I received no response.

Before this we did call a couple of times and then earlier this year on passing the pub we spoke to a gentlemen who was working there. He did call the owner but again he avoided any communication

Thanks

Regards

SM Chapman

Sent by S M Chapman

Begin forwarded message:

From: Scott Chapman [REDACTED]
Date: 8 November 2018 at 11:22:28 GMT
To: [REDACTED]
Subject: The Oak Pub Charing

Dear Mr Brar ,

I understand that you own a property in Charing High Street and that this property went to auction very recently.

I apologise for this unsolicited email but I wondered if the said same property is still potentially for sale and If we could discuss.

Thanks

Yours sincerely

S M Chapman