

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 Brabourne Parish Council
Registered, main or head office address including postcode 14 Sandyhurst Lane Ashford TN25 4NS

A2 Contact details

Name Susan Wood
Position in organisation Clerk
Address including postcode 14 Sandyhurst Lane Ashford TN25 4NS
Daytime telephone no. 01233 623902
Email address clerk@brabournepc.kentparishes.gov.uk

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 re wholly or partly concerned with the administrative are of Ashford Borough Council or a neighbouring local authority (Reg 4(1)(a)). Please explain what your association's local connection is.

n/a

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)).

n/a

(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.

n/a

(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.

n/a

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	n/a
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) Hospital Field
Address including postcode Lees Road Brabourne Ashford Kent TN25 6QE

*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.

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.

See attached plan

*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)	Mr WE Jeanes	Evegate Smeeth Ashford Kent
Names and current or last known addresses of all those owning a freehold interest in the land / buildings (s)	Dr C Johnson KCC	12 East Terrace Budleigh Salterton Devon EX 9 6PG County Hall Maidstone
Names and current or last known addresses of all those owning a leasehold interest in the land / building(s)		

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)

The land is an agricultural field which has been used by a significant number of inhabitants of the area for informal recreation for more than 20 years.

This informal recreation use is an actual current use and is a non-ancillary use of the land.

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)

Please see the attached statement.

If Ashford Borough Council considers further evidence would be helpful, the Parish Council holds and can provide to the Borough Council statements and completed questionnaires from well over 30 local residents describing their use of the land over many years. This plainly furthers the social well-being and interests of the local community. Insofar as it is relevant, the use by the local community is considered to be lawful since it has been carried out openly, without force and tolerated by the owner for more than 20 years.

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)

Since the use is lawful, the owner is not in a position to prevent it in any event. Even if the owner did retain such a right, for the reasons set out in paragraphs 21-22 of the decision of the First Tier Tribunal (General Regulatory Chamber) in Higgins Homes v LB Barnet (23 Oct 2014), it is realistic to conclude that the status quo can continue (as it has done for well in excess of 20 years) and therefore that the future condition is satisfied in the present case.

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)

n/a

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

n/a

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



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

**STATEMENT IN SUPPORT OF APPLICATION TO INCLUDE
'HOSPITAL FIELD', BRABOURNE LEES
IN THE LIST OF ASSETS OF COMMUNITY VALUE UNDER THE LOCALISM ACT 2011**

The land which is the subject of this application has been in low level agricultural use (or left fallow at times) for many years, including the last 20 years. Its longer history includes use as a hospital during the Napoleonic Wars, a use which gave the field its local name. The field is understood to have been in the ownership of the Johnson family (resident in Devon) for some generations.

Over the last 20 years and longer the land has been used for a wide range of informal recreation pursuits and pastimes by a significant number of inhabitants of the neighbourhood of Brabourne Lees within the locality of Brabourne and Smeeth parishes. This has been done openly, peaceably and without force and without consent or objection from the owner. The full range of pursuits includes dog exercising and walking, family leisure outings with children and pets, ball games, picnics, model aircraft and kite flying, bird-flying, nature observation, horse riding, and also extensive use at times of significant snowfall for a variety of games and activities. It is patently the case that use by residents of the neighbourhood indicates a general use for informal recreation rather than merely occasional use by trespassers.

The owner has never sought to challenge or restrict the informal recreational use and so no significant interruptions of use have occurred in the past 20 years and more. The nature of many of the recreation uses has also meant that in years when the land has been used for crop-growing, the two uses have continued to co-exist.

The site is crossed by three Public Rights of Way (Footpaths AE274, 275 and 276) but virtually all the informal recreation use of the land has been of the field as a whole, way beyond anything which could reasonably be regarded as merely use attributable to use of the footpaths.

Access to the field is available at many points around its perimeter, with footpaths crossing the site, regular gaps in hedgerows also affording access at various other points along Lees Road and Canterbury Road. Several properties in Mountbatten Way enjoy direct gated access to the field. Direct access is also available from an alleyway off Canterbury Road. The ease of access has doubtless contributed to its attraction to such large numbers of inhabitants.

In the view of Brabourne Parish Council, it is clear that the scale and nature of recreational use by a significant number of local inhabitants furthers the social well-being and interests of the local community.

BRABOURNE PARISH COUNCIL

