

Uttlesford District Council
Council Offices
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Date: 29 November 2017
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For the attention of Sarah Nicholas

Sent by Post & by Email:
snicholas@uttlesford.gov.uk

Dear Sirs

NOMINATION UNDER THE LOCALISM ACT 2011 & ASSET OF COMMUNITY VALUE REGULATIONS 2012

PROPERTY: THE HOP POLES PUBLIC HOUSE (FORMERLY KNOWN AS THE SIR JOHN HOUBLON) BEDLARS GREEN, GREAT HALLINGBURY, BISHOP'S STORTFORD, CM22 7TP

OUR CLIENTS: PETER BURKE CULLEN & JEAN PAULINE CULLEN

We refer to the letter sent to Mr P Cullen on 25 October 2017, which was copied to this firm, and served as a notification that a request had been submitted to the Council, by the Great Hallingbury Parish Council, to designate the Hop Poles Public House ("the Public House") as an Asset of Community Value.

We understand that this notification was made to our client in his capacity as joint freehold proprietor of the Hop Poles and that this follows the previous listing of the Public House as an Asset of Community Value in December 2012, which is due to expire next month.

Andrew Fishman
Harry Pattihis
Christopher Atkinson
Alun Williams
Gary Scott
Jane Fisher FCILEx
Mathura Paramjorthy
Asif Ahmed
George Constant
Alicia Pattihis
Geoff Mendelsohn
Georgina Kyriacou
Max Lesser

We have been instructed by our above named clients to respond to the current request on their behalf and would ask that a copy of this letter is passed to Mr Gordon Glenday, who wrote to our client on 25 October, as well as to all other relevant persons engaging in the meeting of the Cabinet, on 30 November at 7:00pm, in which the request by the Great Hallingbury Parish Council will be considered and decided.

Property Executive
Dee Puckering FCILEx

The purpose of this letter is to set out our clients' formal objections to the listing of the Public House as an Asset of Community Value, to commence upon the expiry of the current listing.

Consultants

Victoria Mellon
Peter Papadopulo
David Connick
Grant Rechnic
Arthur Fernandes
Lucy Paltnoi

Background – The Public House

By way of background, the Public House is currently empty, without a tenant, and has been for a period of over two years. During that time, the Public House has been marketed for sale, but there has been very little interest from any party seeking to re-open the premises as a village pub and any interest in that regard has not amounted to a

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confirmed sale. On the contrary, our clients' view is that the only genuine enquiries regarding the sale of the Public House, which have had proper financial backing, have been received from property developers largely seeking to change the use of the premises.

Prior to the closure of the Public House, it was not trading well, due to a number of external factors which had affected the accessibility of the Public House to potential customers and restricted the license, meaning that the Public House could not compete with other local eating and drinking establishments. Particularly, our clients have found that there is a not a desire for this venue to exist within the local village community. There are other popular restaurants in the locality, which are preferred by residents of the village, meaning that the closure of the Public House did not result in any genuine loss of amenity or facility within the village of Great Hallingbury.

Objections to the Listing

Our clients' specific objections to the request made by the Great Hallingbury Parish Council are set out as follows:

1. Use of the land does not qualify

Our clients' first objection is that the use of the land does not qualify it as an Asset of Community Value within the scope of the legislation.

Land which is of community value is defined by section 88 of the Localism Act 2011. This provides that:

“(1) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area is land of community value if in the opinion of the authority—

(a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and

(b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.”

As a result, it is necessary for the Council to decide whether or not the current use of the Public House furthers the social wellbeing or social interests of the local community.

We have set out above the fact that the Public House is not currently occupied or trading, nor has it been for over two years. Even before the closure, the Public House was not well used or supported by the local village residents. In fact, we are instructed that local residents actively supported and even lobbied for the decision to restrict the license of the Public House in previous years, to prevent the garden and adjacent outside space from being used by the Public House for the purposes of the business.

In terms of the impact on the local community, we understand that Parliament has taken the view that at least 21 members of a community are required to benefit from an asset, in order for it to be capable of being an asset of community value and that figure is one which is to be applied across the whole country, including very small rural communities. In this case, as the Public House is not being used by any members of the local community, let alone 21, and has not been for over two years, it is clear that the Public House is not currently capable of furthering the social well-being or interests of the local community.

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In terms of what can be considered social well-being, the benefit to the local community which the listing of the Public House is seeking to preserve is that of a drinking establishment. As stated above, the Public House was not well used prior to closure by the local community or at all and there are several other eating and drinking establishments within the area which are well used by the local community in preference to the Public House. The Public House is not unique or relied upon by the local community in any way and it certainly not essential to its social well-being.

Finally, in terms of future use, it is not realistic to determine that any qualifying use, which may have been accepted by the Council in previous years in order to support the nomination, will resume in the future. This is due to the fact that the Public House is currently closed and has been for some time and there has been no agreed sale to an individual or company seeking to trade as a pub from the premises over the course of the past period of marketing. Further, the most likely scenario appears to be that the property will be sold to a developer who will seek to change the use of the premises to a residential dwelling(s).

2. No purpose in listing

Our clients' second objection is that there would be no purpose in listing the Public House as an Asset of Community Value.

This is because the purpose of placing an asset on the list is to provide the community with an opportunity to secure the asset in the long term. This asset has been on the market for many months and at no point has the claimed community body bid to purchase the Public House. In fact, as early as April 2014, our clients received a letter from the Clerk to the Great Hallingbury Parish Council stating quite plainly that:

"the Parish Council are not able to support the Public House financially or otherwise"

The letter further states that if the Public House is marketed for sale:

"it would be nice to think that an 'action group' might be able to buy, but this is not something we can speculate at present."

A copy of this letter is attached for reference, from which is undoubtedly clear that those supporting the proposed listing would not bid if the Public House was being sold as a community asset. In these circumstances, it would therefore be wrong, and would serve no purpose, to list the Public House as an Asset of Community Value.

Conclusion

On the basis of the reasons set out above, our clients object to the proposed listing of the Public House as an Asset of Community Value from December onwards and submit that the requested submitted for listing by the Great Hallingbury Parish Council should fail.

Our clients should be grateful if the Council would take this letter of objection into account on considering the request and coming to a decision at the Cabinet meeting on 30 November 2017.

Yours faithfully

Philip Ross
Enclosures

GREAT HALLINGBURY PARISH COUNCIL IN THE COUNTY OF ESSEX

MRS F.M.R. TOWNSEND
CLERK OF THE COUNCIL

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7 THE GROVE
GREAT HALLINGBURY
BISHOP'S STORTFORD
HERTS. CM22 7TT.

Mr. P. Cullen,
Golden Jubilee Cottage,
Bedlars Green,
Great Hallingbury,
Bishop's Stortford,
Herts. CM22 7TL.

2012

3rd April 2014

Dear Peter,

Further to my acknowledgement of your letter of 17th January, I am writing at last, and I apologize for the delay, to report from the discussion at our Council meeting in March.

As you are aware the pub is on Uttlesfords Community Assets list, but at this time the Parish Council are not able to support the pub financially or otherwise, and in any case, additional support would be needed from fellow benefactors in the community. If you advertise the premises for sale it would be nice to think that an 'action group' might be able to buy, but this is not something we can speculate at present.

Being on the Community Assets list however does not prevent you from leasing the pub in any way.

It is very sad that the pub has closed and, while we wish there was something more helpful we could do, members of the Parish Council can only sincerely hope that you are able to secure a new tenant.

Kind Regards,

Mrs Freda Townsend,
Clerk to the Council.