



London Borough of Hounslow  
Hounslow House, 7 Bath Road  
Hounslow TW3 3EB  
Your contact: Herdeep Chagar-Ashby  
Direct Line: 02085834737  
E-Mail: herdeep.chaggarashby@hounslow.gov.uk

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## **Entry of The Park Road Allotments into the London Borough of Hounslow's List of Assets of Community Value**

### **Notice under section 91 of the Localism Act 2011**

#### **1. The Nomination**

A Nomination was received by the London Borough of Hounslow under section 89 of the Localism Act 2011 ('the Act') to list Park Road Allotments, Park Road, Isleworth ("the Allotment") as an asset of community value. The nomination was made by The Isleworth Society. A copy of the nomination is attached at Appendix 1. The annexed Plan 1 shows tinted [blue] the full extent of the Allotment.

A summary of the nomination is set out below:

The Allotment comprises a triangular piece of land bounded by Park Road and surrounded by a brick wall or 5 to 6 foot high chain link fence. Access is from Park Road through a gate which provides pedestrian and vehicle access. It is part of the Syon house estate but there is no direct connection to any existing residence and it is used independently. The Allotment has previously been successfully nominated as an asset of community value and the decision to list the land as an asset of community value was confirmed by a decision of the First Tier Tribunal dated 30th December 2016. Since 1917 the Allotment has contributed to social well-being and continues to do so. The Allotment plays a major role in the production and promotion of biodiversity. The allotment provides a place where people can go to practise a hobby that combines physical exercise with creative activity. It also creates lifelong learning opportunities as well as producing fresh fruit and vegetables. It has wide appeal to all sections of the community not least as regards the provision of open space and opportunities for gardening for people without individual gardens. It also provides a haven for wildlife as well as providing visual amenity and enhanced air quality. It also has the potential to engage young people with nature.



## 2. The Law and Statutory Guidance

- 2.1 Under section 87 of the Act the Council must maintain a list of land of community value in its area. A building or other land is of community value if in the Council's opinion an actual current use of the building or other land that is not ancillary use, furthers the social wellbeing or social interests of the local community, and 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.
- 2.2 Under section 89 the Council can only include land in its list of assets of community value in response to a community nomination or where permitted by regulations. A community nomination in England can only be made by either a parish council in respect of land within its area or by a person that is a voluntary or community body with a local connection. Where a valid community nomination is made the Council must consider it and must accept the nomination if the land is within its area and is of community value
- 2.3 Is there a valid nomination? The nomination has been made by The Isleworth Society, which is a registered charity with a local connection

## 3. Decision and Reasons

The Council **accepts** the nomination by The Isleworth Society and includes The Allotment in its list of assets of community value.

The reasons for this decision are as follows:

- i) The property comprising the Allotment lies within the administrative area of the London Borough of Hounslow.
- ii) The Isleworth Society are eligible under section 89(2) b)(iii) to make a community nomination in respect of the Allotment
- iii) The community nomination made by The Isleworth Society includes the matters required under regulation 6 of the Assets of Community Value (England) Regulations 2012.
- iv) The land does not fall within a description of land which may not be listed as specified in Schedule 1 of the Assets of Community Value (England) Regulations 2012 (the Regulations)
- v) The Council considers that the current use of the land is not an ancillary use, and that this use furthers the social wellbeing and social interests of the local community and that the land is of community value.
- vi) The information submitted by the Isleworth Society with its nomination is further evidence of the strong local support for this Nomination.



- vii) The owner of the Allotment has been notified of the Nomination but has not provided any response.
- viii) The Allotment has previously been listed as an Asset of Community Value and that listing was confirmed by a decision of the First Tier Tribunal on 30<sup>th</sup> December 2016. There has been no material change in circumstances since that earlier confirmed listing and it is considered that the justification for re-listing the Allotment as an Asset of Community Value remains as strong today.

#### 4. Next Steps

- i) The Allotment will be included in the list of assets of community value maintained by the Council under section 87 of the Act.

In accordance with section 91 of the Act the Council will send this notice to:-

- (a) the owner of the land
- (b) the occupier of the land if the occupier is not the owner
- (c) The Isleworth Society as the nominating body

#### 5. Consequences of Listing

The land will remain on the list of assets of community value for a period of 5 years from the date of this notice unless removed with effect from some earlier time in accordance with the provisions of the Regulations.

Inclusion of the land in the list of community assets is a local land charge under the Local Land Charges Act 1975.

The Council is required under Schedule 4 of the Regulations to apply to the Land Registry for a restriction to be added to the registered title of the land that “No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011”.

Under section 95 of the Act an owner must notify the Council by writing to the Senior Property Asset Manager if they wish to enter into a relevant disposal of the land. Relevant disposal is defined in section 96 and (subject to exemptions in section 95(5) and Schedule 3 of the Regulations) means, a freehold disposal or the grant or assignment of a qualifying leasehold interest, with vacant possession.

A moratorium period is triggered by notification under section 95 to allow any community interest group to submit a written request to be treated as a potential bidder for the land. Owners are advised to refer to the Part 5 Chapter 3 of the Act and the Regulations in full and to seek legal advice if they wish to dispose of the land. **A disposal of listed land which contravenes the requirements of Act and Regulations will be ineffective.**



## **6. Right of Review**

In accordance with section 92 of the Act the owner of the land is entitled to request a review of this decision. The review will be carried out by a senior officer of the Council nominated by the Chief Executive. A request must be made in writing and received by the Council within 56 days of the date of this notice or such longer period as the Council may agree in writing. Please ensure that the request explains on what grounds the decision should be reviewed.

If a request is made the Council will complete the review within 56 days of receiving the request or such longer period as is agreed with the owner in writing. A request must be addressed to the Niall Bolger, Chief Executive, London Borough of Hounslow, Hounslow House, 7 Bath Road, Hounslow TW3 3EB

## **7. Right to Compensation**

In accordance with paragraph 14 of the Regulations an owner or former owner of the land is entitled to claim compensation from the Council of such amount as the Council may determine, where they have incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.

A claim for compensation must be made in writing within 91 days of the loss or expense being incurred (or as the case may be) finish being incurred; must state the amount of compensation sought for each part of the claim and be accompanied by supporting evidence for each part of the claim.

If a claim is made, the Council will consider the claim as expeditiously as possible. A request must be addressed to the Director of Assets and Major Projects, London Borough of Hounslow, Hounslow House, 7 Bath Road, Hounslow, TW3 3EB

## **8. Additional Help**

Further information about assets of community value is available from the website <http://democraticservices.hounslow.gov.uk/documents/s79596/App.%20I%20-%20Procedure%20for%20Assets%20of%20Community%20Value%20FINAL.pdf> if you need any additional support in relation disposal of the land, the right of review or right to compensation you are advised to seek independent legal advice.

Yours sincerely

Herdeep Chaggar-Ashby | Assets & Property Manager  
Corporate Property  
London Borough of Hounslow