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Briefing Note

Assets of Community Value

For Council on 29 February 2024

1. Background

Under the Assets of Community Value (England) Regulations 2012 community members have the opportunity to nominate places and spaces as Assets of Community Value to their District Council. These nominations allow the community to bid for these assets if they become available for sale.

At its meeting on 30 November 2023, Members considered adding the Methodist Church on Cuckfield Road to the Mid Sussex District Council list of assets of community value due to its imminent closure, and it was:

RESOLVED: That the Council AGREES to add the Methodist Church on Cuckfield Road to the Mid Sussex District Council list of assets of community value. (Minute C23/24.094: Assets of Community Value)

The application to add the Methodist Church on Cuckfield Road to the Mid Sussex District Council list of assets of community value was subsequently submitted on the 8 December 2023.

2. Outcome of Application

On 16 February 2024, Mid Sussex District Council confirmed that it had considered the nomination and concluded that the nomination passes the relevant legislative tests and therefore the Methodist Church will be added to the list of Assets of Community Value for a period of five years from 16th February 2024.

If the owner is dissatisfied with the decision they have a right to request an internal review of the decision no later than eight weeks from the 16 February 2024 (i.e. 12 April 2024), providing reasons for the appeal. If the owner remains in disagreement with the District Council's Internal Review, they have the right to appeal further.

3. Moratorium Periods

The designation does not give the right of first refusal to community organisations to buy an asset that they successfully nominate for inclusion on the local authority's list. What it does do is give time for them to put together the funding necessary to bid to buy the asset on the open market. If an owner wants to sell property that is on the list, they must tell the local authority. If the nominating body is keen to develop a bid, they can then call for the local authority to trigger a moratorium period, during which time the owner cannot proceed to sell the asset. There are two moratorium periods. Both start from the date the owner of the asset tells the local authority of their intention to sell.

The first is the interim moratorium period, which is six weeks, during which time a community organisation can decide if they want to be considered as a potential bidder. The other is a full moratorium period, which is six months, during which a community organisation can develop a proposal and raise the money required to bid to buy the asset. During a moratorium, the owner of the asset cannot conclude the sale. The owner is able to apply to the District Council for compensation against certain costs incurred during this period.

4. Property For Sale

If the asset comes up for sale, the group who nominated the asset will be informed. The 6 month moratorium period allows the community the opportunity to decide whether they would like to come together and purchase the asset but the six month pause can only be requested by an incorporated group. This can be made up of a wider range of people and groups than from who originally nominated the asset.

Funding would then need to be raised by the incorporated group to purchase the asset. There are a variety of ways to do this, such as grants, loans, crowdfunding, donations and sponsorship. If funds were raised it is not clear if an offer has to be accepted by the owner over other third parties.

5. Next Steps

There is very little published information available on the next steps the incorporated group would need to take to prepare themselves, or the legal process that should followed, for submitting a bid.

Further research can be undertaken as to what steps other incorporated groups have taken across the country with examples taken from both successful and successful bids.

Until the Methodist Church decide to sell the venue, the situation will be monitored.

Appendix A – MSDC Notice of Listing

Decision Notice

To whom it may concern

Decision taken by: Director of Resources and Organisational Development in consultation with the Assistant Director, Governance

Localism Act 2011 Part 5 Chapter 3 Assets of Community Value

Summary

On 8th December 2023, the Council received a completed community right to bid nomination form from Hurstpierpoint & Sayers Common Parish Council ("the Nominating Body") in respect of Methodist Church, 42 Cuckfield Road, Hurstpierpoint, BN6 9SA ("the Nominated Property").

In their nomination, the Nominating Body states, *"the Church and Hall have been used for decades as a centre for groups and social activities to take place including a pre-school, art classes, Befriended groups and multiple fitness and wellbeing groups."*

Whilst the building is to be closed, they explain that they consider the Nominated Land could be used in future to further the social wellbeing or social interests of the community by being purchased by *"a church group, the Parish Council or by a community organisation and managed as a village hall facility for hire by the community. It may be possible to engage an alternative church or religious group to also use it as its base for the future."*

They identify that *"Raising the funds would be a challenge to any group but a religious group may have the reserves, the Parish Council could apply for a loan from the Public Works Loan Board and a community group could apply for grants or raise money from local people through a just giving page."*

The Managing Trustees of the building have made representations to the Council, stating that *"[t]he building in question is a Church, whose congregation have ceased to worship in the building. The building is currently empty and there are no community groups meeting in the building. The building's local management has passed to Central Sussex United Area, of whom I am the Co-Chair. We are in discussions regarding the future of these premises, having commissioned a Designated Advisors Report and Quinquennial on the state of the building."*

They also contend that *"community use was always ancillary to the use as a place of worship"*, such that the property should not qualify for listing.

Decision and Reasons

The Nominating Body has identified that the Nominated Property was used by a number of community groups for a number of years. I am satisfied that these uses were not merely ancillary to the use of the building as a Church but were additional main (or "non-ancillary") uses. I understand



that the building closed only recently and given the long historic community use, I am satisfied that this community use occurred in the recent past.

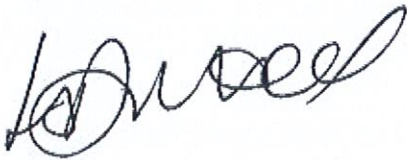
The Nominating Body has identified potential future community uses (such as a village hall facility) and has also identified potential sources of funding by which the Parish Council or a community group might seek to purchase the building. I have discounted the use by a religious group as this would be unlikely to amount to a community use, as confirmed in case law.

There is no requirement for a Nominating Body to have a fully worked-up business plan or indeed clear proposal for the use. The relevant test is whether it is "*realistic to think*" the building could be brought back into community use. Whilst the Trustees have confirmed that they are in discussions regarding the future of the premises, no firm decisions have been made.

Based on the nomination, I am satisfied that it is realistic to think that the building could be brought back into a community use in the manner suggested by the Parish Council.

The nomination passes the relevant legislative tests and therefore the Nominated Property will be added to the list of Assets of Community Value.

Signed:



Date: 16th February 2024

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Louise Duffield
Director of Resources & Organisational Development

Chief Executive - Kathryn Hall

