

**Decision Statement**  
**Community Right to Bid under the Localism Act 2011**

**Ref:** HBBC/ACV2/2025

**Property:** Oddfellows Arms, 25 Main Street, Higham on the Hill, CV13 6AH



Hinckley & Bosworth  
Borough Council

**Ward:** Ambien

**Borough Councillors:**

1. Councillor MJ Surtees

**Parish:** Higham on the Hill

**Lead Contact:** Odette Ghent, Parish Clerk for Higham on the Hill Parish Council

**Nominator:** Higham on the Hill Parish Council

**Occupancy:** Unoccupied

**Ownership:** The Land Registry names the proprietor of the freehold titles as:

1. LT241271 - A R CARTWRIGHT LIMITED, (Co. Regn. No. 00984993) of The Vicarage, Vicarage Street, Nuneaton CV11 4AZ.
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**Proposed listing boundary:**



## **1. Description**

The Property is located in the centre of Higham on the Hill off Main Street, Leicestershire, within Hinckley and Bosworth borough.

The Property has been described by the Nominator as previously providing community value in the form of cultural, recreational, and other interests.

The Property is described to have delivered these interests in an inclusive and accessible way to a wide range of people within the community up until August 2018.

The Property was a public house with a food and drinks service. The proposed listing boundary plan encompasses public house and car park.

The Property has been permanently closed since August 2018.

## **2. Background and publicity**

The Property has been subject to a previous listing which expired on 9 December 2025. This is because a successful Asset of Community Value (ACV) listing will only remain on the local authority's list for a period of five years.

The Nominator submitted a valid application to Hinckley & Bosworth Borough Council ("the Council") on Tuesday 21 October 2025 for the Property to be listed again as an Asset of Community Value ("ACV").

The Nomination has been considered within eight weeks of the valid nomination, with a decision due by Tuesday 16 December 2025.

Documents submitted as part of the Nomination include:

- Application Form ("Nominate an Asset of Community Value INF755847911.pdf")
- The Nomination Plan ("ACV Area 2025.pdf")
- Higham on the Hill Parish Council Standing Orders ("HOTH Standing-Orders-adopted 14.4.25.pdf")
- Minutes from Parish Council Meeting supporting the Nomination ("2025.09.29 Minutes.pdf")
- Register Summary for LT241271 ("Official Copy (Register) - LT241271.pdf")
- Supporting Evidence for the nomination ("ACV supplementary evidence.pdf")

The Nomination has been publicised by sending notification to:

- Odette Ghent – Higham Parish Clerk and Nominator (Email)
- Ann Jenkins – parish Council Chair (Email)
- Higham on the Hill Parish Council (Email)
- A R Cartwright – Proprietor (Post and Email)
- Leicestershire County Council (Post)
- The Owner (Post)
- The Occupier (Post)
- The Leaseholder (Post)
- Councillor MJ Surtees (ward councillor) (Email)

A site notice was erected within the vicinity of the site on 23 October 2025, and a full site visit was also conducted on 23 October 2025.

Photographic evidence of the site notice and site visit has been obtained.

The Site Visit confirmed that the Property is not operational and currently out of use as a public house.

Minutes of the Parish Council's meetings have been accessed to confirm where the decision to nominate the Property was approved.

The Application has been considered by the Planning Policy Team, facilitated by comments submitted by the Senior Planning (Conservation) Officer and the Estates and Asset Manager. Both comments were in support of the application to list the Property.

HBBC Legal Services were notified but have no comments to make at this time.

Representations were received from the proprietor of the freehold title (A. R. Cartwright Limited) and were considered as part of the decision-making process. Document submitted by the proprietor of the freehold title:

- Representation ("ARC 10018 - Letter Ltd - Planning Policy HBBC - 08-12-25.pdf")

To summarise, R. Cartwright Limited does not believe the Asset should be listed on the Borough Council's Asset of Community Value Register for the following reasons:

- Absence of current community use and long period of non-operation
- Availability of alternative community facilities and services
- The statutory ACV tests are not met
- Extensive marketing confirms lack of viable community interest
- Community purchase attempts do not meet statutory requirements
- Inspector's conclusion: Loss of ACV would not harm the community

### **3. Decision**

The Council has conducted a thorough assessment of the Nomination and submitted evidence, as well as all representations received, and considers that the Property encompassing all land within the red line boundary does satisfy the requirements to be listed as "land of community value", as defined in section 88 of the Localism Act 2011 ("the Act").

This decision has been made by the Council on the basis that the application site satisfies the statutory tests required by Section 88, sub-section 2, part A and B, which are outlined as follows:

- A. there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
- B. it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

The land is land of community value as a result of sub-section 2, and therefore the tests associated with sub-section 1 have not been applied on this occasion, which is as follows, for information:

*“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 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”.*

#### **4. Reasons**

Sub-section 2, test A, requires there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community. Sub-section 2, Test A “Social wellbeing or interests” includes cultural interests, recreational interests and sporting interests.

This test has been satisfied for the following reasons:

1. The Property had been operational and in active use as a public house up until August 2018. This is within the context of a long-standing communal use of the Property as a public house which has furthered the social wellbeing and interests of the local community for at least 150 years prior to the closure, according to records.
2. It is considered that as the recent past criteria does not impose absolute requirements and the test is left intentionally ambiguous in legislation. The definition of recent past is therefore considered a flexible concept and long-standing communal use should carry extra weight in this case. As such, whilst there has been “a significant amount of time since the public house permanently closed in 2018”, it is possible that just over 7 years could still qualify as in the recent past, as the statutory test requires, when considered against over 150 years of communal public house use.
3. The Property was and remains today as the only public house in the village of Higham on the Hill, following the demolition and change of use of The Fox Inn pub in 2012. This means that there is no alternative public house within the village.
4. The Property is a designated Community Facility (ref HIG11) in the Site Allocations and Development Management Policies DPD.
5. There are no other similar or alternative facilities in the village which could support the role of a public house as an informal, communal meeting point with similar functions. Other facilities include churches which are not considered an alternative to the communal function of a public house which provide alcohol, extended opening hours, and informal social space. Churches are distinct community facilities which are primarily places of worship with limited hours and different activities. Additionally, halls are often accessible by prior booking and lack similar facilities. The other facility includes a primary school which is even less comparable, given it is an education facility with access generally restricted to pupils, staff and parents, not the wider community without formal prior arrangement.

6. Wider facilities, such as public houses in surrounding settlements, are also not considered an equivalent alternative in this case, given the rural location and reliance on cars for an activity which is linked to alcohol sale/consumption.
7. The Nominator has also evidenced the community resorting to create a “pop up pub” to bring the community together to celebrate events since the Property’s public house use ceased given the lack of suitable alternatives, such as for the King’s Coronation event in May 2023. This helped to bring the community together and exemplifies the support the local residents have in returning the missing role of a meeting point since the Property’s public house use closed. It also exemplifies that other alternatives remaining are not fulfilling this informal communal space role, in particular, to further the wellbeing of older, single residents which make up a high proportion of Higham on the Hill residents, who benefit from a local meeting place within the village offering the uses of a public house.
8. In any case, there is no requirement for there to be no other alternative suitable facilities as long as the nominated asset satisfies the requirements of the statutory tests contained in Section 88 of the Localism Act.
9. The Inspector’s comments on a recent planning application’s appeal statement (appeal ref APP/K2420/W/24/3357570) have also been considered. Whilst of some relevance as a consideration, ACV decisions are made by the statutory tests of the Localism Act rather than against planning policy and material considerations under planning legislation, and therefore because the legal tests are different, the inspector’s comments should not be decisive against a Nomination satisfying ACV Sub-section 2, test A.
10. The Property forms part of the 2009 Higham on the Hill Conservation Area appraisal as a non-designated heritage asset and is identified as an important local building. The building is also identified within the Leicestershire and Rutland Historic Environment Record and in further documentation that it was purpose built for a public house, known as the Gardeners Arms. This heritage interest associated with the historic and communal use of the Property as a purpose-built public house remains despite the Asset being closed. The appeal statement (appeal ref APP/K2420/W/24/3357570) is clear that the significance of the Property as a non-designated heritage asset is derived in part from its historic and architectural importance with local vernacular style, and the building’s historic use as a public house and its prominence fronting Main Street which is apparent due to its central landmark position in the village. The Property therefore has historical significance which recognises its contributions to the communities past and cultural identity, furthering the community’s wellbeing for many generations.
11. The Senior Planning Officer (Conservation) considered the listing and found that *“The historic interest of the building associated with its longstanding communal use was acknowledged by the Planning Inspector in the recently dismissed planning appeal on the site for a proposed alternative (residential) use of the building”*.
12. The Property has been used as a social hub for a range of social interests and community groups, including as a meeting place for sports and pub teams. The local village cricket club, village ‘social’ football team and The Nuneaton Cycling Club all reportedly used the Property as a gathering and social point, with the cycle club

using The Property for its annual Christmas meal, allowing for social connection, bonding and supporting active lifestyles in the village which furthers the local community's health and social wellbeing.

13. There is an extensive list of recreational uses for the Property including weekly quiz and karaoke nights, communal recreational facilities including a pool table and a darts board allowing people to further their social interests and engage in social interaction to further their social wellbeing. The Property hosted a darts and a dominos team which played in local leagues and held meeting weekly, evidenced with certificates, trophies and photos. Having a connection and belonging to a local team furthers the wellbeing of the residents involved and provides opportunities for further residents to socialise and be involved in community sporting events and competitions.
14. The Local Young Farmers Association also used the Property as a meeting point every week allowing for this demographic of the community to share and spread their knowledge and discuss mutual interests with other local residents or farmers in the area, providing a group and community for those that were involved.
15. The Property was also used to host meetings for defibrillator training three times a year for local first aid and emergency responders, with a defibrillator located on the wall of the Property itself.
16. The local School PFA held meetings at The Property at least once a month.
17. Further annual community events were hosted at the Oddfellows including summer 'party in the park', new year parties and firework and bonfire nights. The firework and bonfire nights started around 2007 and continued every year until closure, with as much as 1000 people per year in attendance. Profits raised went towards financial assistance for the local cricket team, primary school events and giving free Christmas meals to the older residents of the village, evidencing the importance of this space for people to come together and help wider residents of the Higham on the Hill community.
18. Videos from the Save The Oddies Pub (STOP) group have shown the Property also being in use regularly for birthdays, funeral wakes and weddings as a local spot for the local community to gather and celebrate. With generations of memories and personal events held within this Property, the social wellbeing, social interests and connection between residents, families and friends has clearly been furthered.
19. The car park also has the facilities to support the use of the public house and contains benches which look out to what was a duck pond, allowing families and people of all ages to sit outside and admire the nature and surroundings of the local environment.
20. The Estates and Asset Manager considered the listing and supported that *"I can confirm that the red line plan continues to represent land of community value and as such the ACV Nomination should be supported"*.

Sub-section 2, test B, requires that it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

Test B has been satisfied for the following reasons:

1. The main stakeholders involved include Higham on the Hill Parish Council, as well as the Save The Oddies Pub (STOP) campaign formed in March 2019 creating a steering group and Higham Community Benefit Society Ltd (CBS) in December 2020. This is an FCA registered community business to develop plans for a community hub within the Property. The STOP group have also been working with and supported by Plunkett UK, a national charity that empowers rural communities across the UK to set up and run their own businesses.
2. The plan is for the Parish Council to purchase the freehold of the Property using a Public Works Loan, which will be repaid through an increase in the Parish Precent agreed by a Referendum in July 2022. The Parish Council and Higham CBS will then agree to a 50-year leasehold of the Property, at a peppercorn rent. Higham CBS will refurbish and operate the public house and develop the community facilities. The CBS will be financed by the Community Share Offer alongside grants to generate the funds required for refurbishment, initial set up and operation. The pub would be run by a manager. Any profits would be re-invested into the CBS and community facilities.
3. Whilst maintaining the public house function, the community also suggest for the Property to provide a hub for other activities to enhance the service provision and support social wellbeing and address social isolation the community. Ideas discussed at a series of community consultation meetings include a small community shop, post office services, book shares, click and collect and cafe facilities, and informal meeting spaces to encourage community cohesion and support.
4. Higham on the Hill Parish Council have gone through the process and have successfully been granted the Public Works Loan which has been extended by the Ministry of Housing, Communities & Local Government to August 2026. This gives sufficient amount of time for the loan to be used towards the purchase of the Property. This fund is immediately available to allow purchase of the freehold of the Property.
5. The site visit confirms the Nominator's comments that even after the initial purchase, the Property will require investment to be brought back into use as a public house. However, the CBS have evidenced their intentions of a 'Community Share Offer' which through support from the community has the potential of raising funds to show that refurbishment could be funded, alongside grants. The Council is aware of interest in the scheme which is run from the STOP website and there is no evidence before us to suggest that sufficient sums could not be collected in conjunction with grants to fill any gaps in funding.
6. The CBS management committee have worked with Higham on the Hill Parish Council to create a robust business plan and take out their own independent viability reports which confirm the potential of the Property to be returned as a public house and to be economically viable. The viability reports and plans from the STOP group and nominator are that the asset could be brought back in use "well within the next 5 years".



7. Case law emphasises “*the fact what is realistic may admit a number of possibilities, none of which needs to be the most likely outcome*” (Evenden Estates v Brighton and Hove City Council, CR/2014/0015, para. 15). There is enough evidence produced in this Nomination to show that it is realistic to think that the currently unused property could be bought and refurbished to further social wellbeing and interests within the next 5 years.
8. In any case, in the Gullivers Bowls Club v Rother DC, Judge Warren rejected the argument that this required the anticipated community activity to be commercially viable or even to have a foreseeable long-term viability (para. 12). In the Tribunal decisions there is a very marked acceptance that financial problems can be overcome if there is a strong sense of local community, especially if it has engaged with the particular Property and has credible advisers available with experience of community projects. There is also the possibility of sweat equity in community projects involving the non-monetary investment of time, effort and physical labour which financial viability assessments would not consider such savings in expenditure.
9. The recent appeal has also been considered, which proposed the development of 7 dwellings – the conversion of the existing building into 2 dwellings and 5 new build properties (appeal Ref: APP/K2420/W/24/3357570). The appeal statement confirmed a “significant amount of local interest in the building and that a future use is established” and given the appeal was dismissed, the retention of the Property in a public house use remains as one of many possibilities.
10. Finally, whilst previous marketing did not result in a sale of the freehold or leasehold, the owner confirmed there were two expressions of initial interest in a licensed use at the time, as well as also highlighting the above mentioned significant local interest. This demonstrates that whilst there was no buyer at the time, a lack of a sale is not the statutory test and there is no evidence of a lack of demand. As such, it is not unrealistic to assume there may be a buyer within the next five years that could bring the Property back into a use that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community, with the option of a community offer still being one of many possibilities given clear demand and intention.

## 5. Conclusion

The Council considers that the Land meets the relevant criteria to be listed as an asset of community value for the above reasons and will therefore be listed by the Council as an asset of community value, pursuant to the Assets of Community Value (England) Regulations 2012 and the Localism Act 2011, which will be published on the Council's website and available for public inspection.

Decision-maker: Christopher Brown (Assistant Director - Planning and Regeneration)



Signature:

Date of decision: 16/12/2025