

INTERNAL REVIEW DECISION

Asset of Community Value – The Oddfellows Arms, 25 Main Street, Higham on the Hill, CV13 6AH

A review under the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012

Reviewing Officer

Madeline Shellard (Director of Place Services)

Date of Decision: 25 March 2026

1. Background

- 1.1 The statutory provisions relating to the listing of Assets of Community Value (ACV) and the effects of listing are contained within Part 5 of the Localism Act 2011 (“the Act”) and the Assets of Community Value (England) Regulations 2012 (“the Regulations”).
- 1.2 Section 92 of the Act provides the owner of a listed asset with a right to request a review of the local authority’s decision.
- 1.3 Basic procedural requirements for the review are set out in Schedule 2 of the Regulations.
- 1.4 The asset under consideration is The Oddfellows Arms, Higham on the Hill. The Owner (A R CARTWRIGHT LIMITED) requested an internal review of the Council’s decision of 16 December 2025 to re-list the Property as an ACV.
- 1.5 Madeline Shellard (Director of Place Services) was appointed to conduct this review, as an officer of appropriate seniority who was not involved in the original listing decision.

2. Procedure

- 2.1 The Regulations require that a review must be requested within 8 weeks of listing and concluded within 8 weeks of the request unless both parties agree otherwise. The Owner submitted a timely request on 09 February 2026. All relevant material has been made available and considered by 25 March 2026.

2.2 The review has been undertaken on the basis of written representations from the Owner and the original decision-makers report, together with supporting evidence and relevant case law.

3. Owner's Submissions

3.1 The Owner, raises several points in support of their request for review, including:

- The period of closure since the pub ceased trading.
- The presence of alternative venues in the wider area.
- Assertions regarding previous marketing exercises and viability.
- Reference to comments made by a planning inspector in a recent appeal.

3.2 The Owner suggests that the Property no longer meets the statutory test for land of community value, primarily because of elapsed time and doubts over future deliverability.

3.3 These points are noted. However, the legislative test for ACV listing is narrow and expressly does not relate to commercial viability in general terms, nor to planning considerations or the availability of alternative facilities. These matters have been considered but are not determinative of the statutory test under Section 88, which does not require an assessment of commercial viability.

4. Legislative Test

4.1 Section 88(2) of the Act sets out two requirements:

- (a) The Property's use in the "recent past" furthered the social wellbeing or social interests of the local community; and
- (b) It is realistic to think that such use could resume within the next five years.

4.2 Case law confirms that "recent past" is a matter of fact and degree and should be interpreted broadly. The test for future use being "realistic" does not require probability or certainty. However, it requires more than mere aspiration. The decision maker must be satisfied that there is a credible and evidence-based basis upon which the relevant use could resume within the statutory period. See *King v Chiltern District Council* [2016] FTT (General Regulatory Chamber) and *Carsberg v East Northamptonshire Council* [2020] FTT (CR/2020/0004), *Wellington Pub Company plc v Kensington and Chelsea RLBC* [2017]).

5. Assessment of Section 88(2)(a)- Use in the Recent Past

5.1 Having reviewed all available material, including extensive supplementary evidence provided by the community, the reviewers are satisfied that the Property continued to further the social wellbeing and social interests of the local community in the recent past.

5.2 In reaching this view, the following points have been considered:

- The Oddfellows Arms operated as a public house until its sudden closure in August 2018. Although several years have since passed, Tribunal authority confirms that “recent past” is a matter of fact and degree and does not impose any fixed statutory period.
- The building has had a long and well-documented history as the centre of village social life, with evidence of use by a wide cross-section of residents over multiple generations. This includes regular meetings of darts and dominoes teams, Young Farmers (meeting weekly for over 40 years), village sports teams, school PFA meetings, and first-aid/defibrillator responder training.
- The pub supported both day-to-day social activity (family gatherings, meals, quizzes, music nights) and major community events. Evidence suggests that annual bonfire and fireworks events held on the land attracted around 1,000 attendees and funded a free Christmas meal for older residents, in addition to providing financial support to local sports clubs and the school.
- The pub was the only such premises in the village following the closure of The Fox in 2012, giving it a unique and irreplaceable role as the sole venue for large gatherings, celebrations, wakes, community festivals, and national commemorations.
- Even after closure, the community continued to associate the site with its social identity evidenced by “pop-up pub” events at the King’s Coronation in 2023 which drew large attendance and reaffirmed the community attachment to the venue.
- The supplementary evidence highlights the wider social impact of the pub’s closure, particularly given the demographic profile of Higham on the Hill, including a high proportion of older and single-person households, the loss of the village shop, and the absence of alternative community spaces.

5.3 Taken together, this evidence clearly demonstrates that The Oddfellows Arms continued to further the social wellbeing and interests of the community in the recent past, meeting the requirement under Section 88(2)(a). Whilst the period of closure since 2018 is noted, the absence of a fixed statutory timeframe means this is not determinative. In this case, the evidence demonstrates sustained and significant community use up to the point of closure, together with continued community association thereafter. In those circumstances, the Council is satisfied that the Property’s use falls within the meaning of the “recent past” for the purposes of Section 88(2)(a).

6. Assessment of Section 88(2)(b)- Realistic Future Use

6.1 The second part of the statutory test requires consideration of whether it is realistic, not probable, that the Property could be returned to a community-focused use within five years. Having reviewed the evidence, including detailed business planning and external assessments, the reviewing officers find this threshold to be met.

6.2 The Council recognises that the statutory test does not require certainty or a guaranteed outcome. However, it does require a realistic prospect based on more than speculative or aspirational proposals. The assessment has therefore focused on whether there is a credible and deliverable pathway to the resumption of community use within five years.

6.3 The Council recognises that while there is no statutory time limit, case law confirms that extended closure reduces the weight that can be given to historic use unless supported by evidence of realistic revival. Case law confirms that past use can be relevant but must be weighed against current circumstances (see *Trouth v Shropshire Council* [2015] UKUT 0473 (LC))

6.4 Relevant considerations include:

- The Parish Council has secured a Public Works Loan for the acquisition of the site, with the loan period extended to August 2026, providing an immediately available funding route for purchase.
- Higham Community Benefit Society Ltd (Higham CBS) has been formally established as a community-led vehicle to lease, refurbish, and operate the site, supported by Plunkett UK and a range of national community business organisations.
- The CBS has developed a comprehensive business plan based on a one-year refurbishment period followed by reopening as a community pub, restaurant, and multi-use community hub. Independent viability assessments commissioned by the CBS confirm that this is a realistic and achievable model.
- A community share offer has been prepared and has received the Community Shares Unit Standard Mark, indicating compliance with national standards for governance, risk, and financial planning.
- Community engagement remains consistently strong. Public meetings, consultation workshops, and a parish referendum (July 2023) all demonstrated overwhelming support including willingness to increase the precept to secure the asset for community use.
- Consultation has identified clear and deliverable plans for expanded community services beyond pub use, including space for a small shop, café facilities, post-office or parcel services, book swaps, and accessible meeting spaces to reduce social isolation particularly important in light of the loss of other facilities in the village.

- The CBS's operational model, refurbishment timeline, and early-stage recruitment plans (including for a professional manager and chef) provide further assurance that reopening within five years is realistic.
- The Council acknowledges that elements of the proposal remain contingent, including acquisition of the Property and the completion of fundraising. However, these contingencies do not undermine the overall realism of the proposal. The existence of an established Community Benefit Society, the availability of Public Works Loan funding, independently assessed business planning, and sustained and evidenced community support together provide a sufficiently robust and credible basis to conclude that the resumption of community use within five years is realistic.

7. Decision

- 7.1 Having carefully considered all written representations, supporting evidence, and relevant case law, the reviewing officer finds no basis to overturn the original listing decision. The Council concludes that the requirements of Section 88 are met.

The review is dismissed and listing is therefore upheld.

The Oddfellows Arms will remain listed as an Asset of Community Value.

- 7.2 The Property continues to satisfy the statutory criteria in Section 88(2) of the Localism Act 2011.

8. Further Right of Appeal

- 8.1 If the Owner remains dissatisfied, they may appeal to the First-tier Tribunal (General Regulatory Chamber). Information on how to do so will be provided separately.