



Democratic Services

Location: Phase II

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**To: COUNCILLOR JONATHAN BIANCO
CABINET MEMBER FOR CORPORATE SERVICES
& PROPERTY**

c.c. All Members of the Corporate Resources & Infrastructure Select Committee

c.c. Andrew Low – Residents Services

c.c. Dan Kennedy – Corporate Director of Residents Services

c.c. Ward Councillors for Colham & Cowley

Date: 15 January 2026

Non-Key Decision request

Form D

RURAL ACTIVITIES GARDEN CENTRE:

ASSETS OF COMMUNITY VALUE NOMINATIONS – RURAL ACTIVITIES GARDEN CENTRE AND ADJOINING CAR PARK LAND

Dear Cabinet Members,

Attached is a report requesting that a decision be made by you as an individual Cabinet Member. Democratic Services confirm that this is not a key decision, as such, the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 notice period does not apply.

You should take a decision **on or after Friday 23 January 2026** in order to meet Constitutional requirements about publication of decisions that are to be made. You may wish to discuss the report with the Corporate Director before it is made. Please indicate your decision on the duplicate memo supplied and return it to me when you have made your decision. I will then arrange for the formal notice of decision to be published.

Ryan Dell
Democratic Services

Title of Report: RURAL ACTIVITIES GARDEN CENTRE: ASSETS OF COMMUNITY VALUE NOMINATIONS – RURAL ACTIVITIES GARDEN CENTRE AND ADJOINING CAR PARK LAND

Decision made:

Reasons for your decision: (e.g. as stated in report)

Alternatives considered and rejected: (e.g. as stated in report)

Signed Date

Cabinet Member for Corporate Services & Property

RURAL ACTIVITIES GARDEN CENTRE: ASSETS OF COMMUNITY VALUE NOMINATIONS - RURAL ACTIVITIES GARDEN CENTRE AND ADJOINING CAR PARK LAND

Cabinet Member & Portfolio	Councillor Jonathan Bianco Deputy Leader & Cabinet Member for Corporate Services & Property
Responsible Officer	Daniel Kennedy – Corporate Director of Residents Services
Report Author & Directorate	Andrew Low – Assistant Director of Property
Papers with report	Appendix A – site plan

HEADLINES

Summary	This report seeks Cabinet Member approval to: 1) agree the registering of the Rural Activities Garden Centre (RAGC) site as an Asset of Community Value 2) decline the nomination to register the adjoining land as an Asset of Community Value.
Putting our Residents First	This report supports our ambition for residents/ the Council of: An efficient, well-run, digital-enabled council working with partners to deliver services to improve the lives of all our residents
Delivering on the Council Strategy 2022-2026	This report supports our commitments to residents of: Safe and Strong Communities
Financial Cost	It is not anticipated that there are any financial costs associated with these decisions.
Select Committee	Corporate Resources & Infrastructure Select Committee
Ward	Colham & Cowley

RECOMMENDATIONS

That the Cabinet Member for Corporate Services & Property:

1. Approves the registering of the Rural Activities Garden Centre site as an Asset of Community Value as outlined in red on the attached site plan in appendix 1; and
2. Declines the nomination to register the adjoining land as an Asset of Community Value as outlined in blue on the attached site plan in appendix 1.

Reasons for recommendations

- 1) The Council received nominations to list both sites as Assets of Community Value. The groups that submitted the nominations appear to be qualifying groups capable of meeting the requirements to submit a qualifying nomination. The qualifying criteria for unincorporated groups is they must consist of at least 21 local people who appear on the electoral roll within the local authority where the asset is situated, or within a neighbouring local authority.
- 2) Statute sets out two tests that must be met if a building or other land is to be registered as an Asset of Community Value:
 - a. The actual current use (or use in the recent past) furthers the social well-being or social interests of the local community.
 - b. It is realistic to think that there can continue to be (or will be in the next five years) use of the building or other land which will further the social well-being or social interests of the local community.
- 3) Having reviewed the relevant statute and available guidance it is clear the RAGC site was, and is still, being used for a purpose that furthers the social well-being or social interest of the local community. As a result, the RAGC site qualifies as a site which can be nominated as a site of community value and therefore the nomination to register the site should be accepted.
- 4) When the RAGC was open the adjoining land was used as an overflow car park for the RAGC and therefore the use of this site gave an ancillary community benefit because of its link to the use of the RAGC. As the RAGC is proposed to no longer operate with open access to the general public there is no longer a requirement for overflow parking. It is therefore considered this site does not qualify to be registered as an Asset of Community Value because the site is a grass field which was previously used as a car park and any previous community benefit arising from this site is deemed to be an ancillary benefit rather than arising from its main use. Currently the land is a grass field and there is no realistic prospect of the site being used for a qualifying use in the next five years. As the main use of the site does not meet the test to qualify the nomination to register the adjoining land site as an asset of community value should be rejected.
- 5) Under statute the Council has eight weeks to consider any nominations. However, the window for making this decision expired some time ago. Therefore, further delaying or refusing the nomination to list the RAGC site is likely to result in legal action being taken against the Council. It is not thought the same risk applies to the Adjoining Land Site as it is thought this site does not pass the qualifying criteria and therefore a legal challenge on this asset is less likely, although it does remain a possibility.

Alternative Options Considered/ Risk Management

- 6) The option of refusing the nomination on the RAGC is not recommended as in the officer's opinion the site (red outline area appendix 1) does qualify as an asset capable of being registered and one of the nominating parties has made it clear that legal action is likely to result if the nomination is not accepted.
- 7) The option of accepting the nomination to register the Adjoining Land Site as an Asset of Community Value (blue outline, appendix 1) is not recommended as it is not thought the land qualifies as an asset which can be registered as an Asset of Community Value because any previous community benefit was derived from an ancillary use, currently the

site is not being used for a use which creates a community benefit and there is no realistic prospect of the site being used for a use which benefits the community in the next five years. It is not thought declining this nomination will result in a legal challenge, but this does remain a potential risk primarily because the Council is outside of the eight-week window in which the decision to accept or decline the nomination should have been made.

8) The option of the Council doing nothing and not responding to the nominations is also not recommended. The reason for this is that it would likely result in legal action being instigated against the Council and this would result in the Council incurring unnecessary and expensive expenditure as well as reputational damage.

Democratic compliance/ previous authority

9) The Cabinet Member for Corporate Services & Property has the necessary delegated authority in the Council's Constitution to take these decisions.

Select Committee comments

10) None at this stage.

SUPPORTING INFORMATION

11) The Council has received three Assets of Community value Nominations. The details of these are set out in the table below:

Date	Nominator	Property	Landowner	Date Decision Response Due
07.06.25	Hayes Community Development Forum	Rural Activities Garden Centre	London Borough of Hillingdon	04.08.26
13.06.25	Friends of the Rural Activities Garden Centre (FRAGC)	Rural Activities Garden Centre	London Borough of Hillingdon	08.08.26
23.06.25	Friends of the Rural Activities Garden Centre (FRAGC)	Land Adjoining the Rural Activities Garden Centre	Buckinghamshire County Council	18.08.26

12) To guide Members through the decision-making process the Legal Team has provided the following advice:

An ACV is a building or other land considered to be land of community value if:

- a) the actual current use (or use in the recent past) furthers the social well-being or social interests of the local community; and*
- b) it is realistic to think that there can continue to be (or will be in the next five years) use of the building or other land which will further the social well-being or social interests of the local community.*

Both tests must be satisfied.

The use of the building or land furthering the social well-being or social interests of the local community must be the main use and not an ancillary use and it must be realistic to think that such use can continue.

Officers will need to decide whether the claimed use is the main use or an ancillary use. If officers decide the claimed use is ancillary then the nomination can be declined.

If on the other hand it is decided that the claimed use is the main use, there must also be a realistic prospect of that use continuing. If officers are able to evidence that this is not likely to be the case then again the application can be declined.

A decision either way must be made and all parties notified within 8 weeks. If the decision is not to list, valid reasons need to be given.

If a nomination is accepted, the building or land should be registered as an Asset of Community Value (ACV) and it will remain on the Council's register of community assets for five years.

When a listed asset comes up for sale, the Community Right to Bid for ACVs provides a delay in the sale process, called a moratorium.

The moratorium allows community groups to prepare and make a bid for the asset on the open market. This aims to ensure that buildings and amenities can be kept in public use and remain an integral part of community life where possible.

If the owner of the land or building listed as an ACV wishes to sell, they must contact the Council who will notify the community group which nominated the asset. The community group then has six weeks to register its interest as a potential bidder.

If the community group wishes to buy, it is then allowed six months to prepare a proposal and raise funds to bid to buy it.

During the moratorium period, the owner of the asset cannot agree a sale.

However, the owner of the ACV is under no obligation to sell to a community group, and after the moratorium period the owner of the ACV can sell to whomever they choose, the community group is simply bidding like anyone else.

After the moratorium period has ended, another moratorium period cannot begin for a further 12 months.

The listing does not have any impact on the owner's ability to use the site or repurpose the site providing it does not seek to dispose of the site.

13) To date, officers have written to all nominators acknowledging receipt of their applications and have advised them of the anticipated decision dates. Buckinghamshire County Council (and their rural land agent – Carter Jonas) have also been written to, to advise them of the nomination and to invite them to make a representation to challenge the nomination if they wish. Despite a follow-up email sent on 04 August 2025, to date no response has been received from either Buckinghamshire Council or their Rural Land Agent.

14) In considering the constituent parts of the decision, officers have concluded and advise the following to the Cabinet Member:

Decision Options Test 1

The actual current use (or use in the recent past) furthers the social well-being or social interests of the local community.

Property Description	Decision Options	Current or Proposed future Use	Recommendation	Reasons for recommendation	Risks
RAGC (x 2 Nominations)	Accept or decline	Used as a community Garden Centre and it is currently being used for a use which benefits the community.	Accept	The current and recent use of the land and buildings was a use that benefits the community. If we were to decline the previous use of the land on the ground it was not used for a community use primarily, the decision is likely to be challenged. If we accept there is unlikely to be any opposition.	
Car Park Land Adjoining RAGC site	Accept or decline	Used as an overflow car park for the RAGC. Given the proposal to change the service away from an open to the public centre, there is no proposed or current use for this field.	Decline	The community benefit is ancillary to the main use of the site which is as a car park and therefore as the main purpose of the community benefits are ancillary and not the main purpose of the site the nomination does not clear this test.	

Decision Options Test 2

Is it realistic to think that there can continue to be (or will be in the next five years) use of the building or other land which will further the social well-being or social interests of the local community.

Property Description	Decision Options	Current or Proposed future Use	Recommendation	Reasons for recommendation	Risks
RAGC (x 2 Nominations)	Accept or decline	Used as a community Garden Centre and it is currently being used for a use which benefits the community.	Accept	The proposed use is for a purpose which has a community benefit, therefore there can be no credible reason to decline.	If we were to decline the nominations on the ground the site is not capable of being used realistically for a community use the decision is likely to be challenged. If we accept there is unlikely to be any opposition.
Car Park Land Adjoining RAGC site	Accept or decline	Used as an overflow car park for the RAGC. Given the proposal to change the service away from an open to the public centre, there is no proposed or current use for this field.	Decline	The community benefit is ancillary to the previous use of the site which was as a car park and therefore does not qualify. There is currently no use of the site as it is surplus to requirements.	This may be challenged but it will be difficult to prove a community use is or could be the main purpose of the site.

When considering the Pros and Cons of accepting or declining nominations, officers considered the following:

Decision	Disadvantages	Advantages
Accept	<ol style="list-style-type: none"> If the site were to be sold the group would have rights to purchase at market value and would have a six-month window in which to transact causing a delay. Planners would need to recognise the listing as part of any determination of an application for redevelopment but they do not see this as a significant obstacle to any potential plans in the future. 	<ol style="list-style-type: none"> Likely to avoid any potential challenge to the decision and reputational damage to the Council. Would enable the site to be used whilst working up any development plans. Would not incur any costs should there be a challenge.
Decline	<ol style="list-style-type: none"> Likely to result in a challenge and possible Judicial Review which could be expensive. Difficult to substantiate our stance legally if the site is used. May risk reputational damage for the Council. Would in effect require the site to stay vacant and to not be used which could lead to ASB and high security costs, 	<ol style="list-style-type: none"> If listing avoided it would leave the Council free to transact on the site as it wishes, subject to usual planning conditions.

15) As a result of the above, the officers' recommendations for each nomination as are as follows:

Date	Nominator	Property	Landowner	Decision (Reason)
07.06.25	Hayes Community Development Forum	Rural Activities Garden Centre	London Borough of Hillingdon	Accept and register the asset as an Asset of Community Value with the group's interest forming part of the registration.
13.06.25	Friends of the Rural Activities Garden Centre (FRAGC)	Rural Activities Garden Centre	London Borough of Hillingdon	Accept and register the asset as an Asset of Community Value with the group's interest forming part of the registration.
23.06.25	Friends of the Rural Activities Garden Centre (FRAGC)	Land Adjoining the Rural Activities Garden Centre	Buckinghamshire County Council	Decline (Does not qualify as the previous community benefit was from an ancillary use and the site is not nor realistically likely to be used for a community benefit use in the next five years).

Financial Implications

16) It is not anticipated there are any financial costs associated with these decisions.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities

17) The decision to close retail operations to the public at the RAGC has already been made by the Council. The remaining services currently being offered from this site, are subject to separate proposals for decision, following a consultation on future service options.

18) In addition, it may in theory be considered that registering the RAGC site as an Asset of Community Value affords greater protection to the site, to ensure the use of this asset as a community use in the future, but the effects of the registration only come into effect if the Council seeks to dispose of the site. As the Council has no plans to dispose of the site in the next five years and the listing of the Asset as an Asset of Community Value does not restrict the Council from repurposing the site for a different use, subject to the usual

planning consents being obtained, it is not thought the listing will have any effect on Hillingdon residents, service users and communities.

19) As the Adjoining Land Site is not currently being used for community use and the recommendation is that the nomination of this site as an Asset of Community Value is rejected, it is not considered there will be any effect of this decision on Hillingdon residents, service users and communities.

Equalities implications

20) It is not considered that as a result of the recommendations in this report that there will be any equalities implications. The report is proposing registering the RAGC site as an Asset of Community Value and the Council is not planning to dispose of the site. Services which are currently being provided on the site are subject to a separate set of proposals for a decision. This means there is not going to be any reduction or alteration to the service being offered to the community because of the recommendations in this report.

21) It is not thought there will be any equalities implications arising from the rejection of the nomination to register the adjoining land site, as this asset is not currently used by the community and, therefore, there is not going to be any reduction or alteration to the services being offered to the community because of this decision.

Consultation & Engagement carried out (or required)

22) Internal consultation has taken place with colleagues in the Legal, Adult Social Care, and Planning Teams and with relevant Cabinet Members.

CORPORATE CONSIDERATIONS

Corporate Finance

23) Corporate Finance have reviewed this report and concur with the Financial Implications set out above, noting there are no direct financial implications associated with the recommendations within this report.

Legal

24) The Localism Act 2011 sets out the two tests (described above) that need to be satisfied for an asset to be listed as an Asset of Community Value.

25) With regards to the land adjoining the main RAGC site (land which is not Council owned), the subject of the application dated 23 June 2025, officers are satisfied that the main use of this land is that of a car park and therefore the application would fail on the first test in that it is not considered that the main purpose of the land is a use which furthers the social well-being or the social interest of the local community. As both tests need to be satisfied there is no need to consider the second test.

26) With regard to the main RAGC site, the subject of the applications dated 07 and 13 June 2025, officers are satisfied that the most recent primary use of the main RAGC site can be considered to be a use which furthers the social well-being or the social interest of the local community. As such the applications satisfy the first test.

27) With regard to the second test, whilst there is a lack of evidence to demonstrate the group has sufficient funds to continue the operation of the RAGC (today) it is not wholly inconceivable that this will remain the case for the next 5 years. In view of the level of public support the group appears to be gaining, the prospect of the group being able to raise funding is becoming more realistic.

28) In the event the Council at some point in the future does decide to dispose of the asset, listing the asset as an Asset of Community Value will mean the Council will be required to follow the moratorium steps (as detailed above) and additionally, the Local Planning Authority would have to consider the listing in determining any application for redevelopment of the site. However, the Council will still be able to use the land as it wants (subject of course to planning) in the meantime.

29) Other than the above considerations, Legal Services confirm there are no legal impediments in agreeing the recommendations and further confirm that as the two tests have been satisfied in respect of the Council owned land. Not to list the asset would be a breach of the requirements under the legislation referred to above and risk potential legal action.

BACKGROUND PAPERS

Nil.

APPENDIX A - Site Location Plan

