



Aylesbury Vale District Council
Community nomination in respect of
(Cuddington Village Store, 2 Upper Church Street, Cuddington,
Buckinghamshire HP18 0AP)

Notice under section 91 of the Localism Act 2011

1. The Nomination

On 17 July 2014 Aylesbury Vale District Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list the Cuddington Village Store, 2 Upper Church Street, Cuddington, Buckinghamshire HP18 0AP as an asset of community value. The nomination was made by Cuddington Parish Council following a resolution of the Council dated 3 July 2013). A copy of the nomination is attached at Appendix 1 and the plan showing the boundaries of the nominated land is attached at Appendix 2.

A summary of the nomination is set out below:

- (a) The property is located at 2 Upper Church Street, Cuddington, Buckinghamshire HP18 0AP
- (b) The Property comprises a village store and post office
- (c) The registered title BM213188 indicates that the land is owned by John Munday and Joanne Busby.
- (d) The village store is the only remaining shop in the village and the nearest food shop for several surrounding small communities. The post office covers a wide catchment that includes the village of Cheersley and Nether Winchendon.
- (e) It provides a vital service for the more vulnerable members of the community and those without their own transport who rely on the store for all of their provisions.
- (f) The village store provides a place where information can be exchanged for regular shoppers and also a vital link for identifying if a vulnerable member of the community has not made their regular visit or is in need of some form of help.
- (g) The property has become a box office for ticket sales of the Village Picture House.
- (h) It also exhibits works from local artists and crafts people

2. The Law and Statutory Guidance

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 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.

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

3. Decision and Reasons

The Council accepts the nomination by Cuddington Parish Council and includes the Cuddington Village Store, 2 Upper Church Street, Cuddington, Buckinghamshire HP18 0AP in its list of assets of community value.

The reasons for this decision are as follows:

- (a) The land and building comprising the Cuddington Village Store, 2 Upper Church Street, Cuddington, Buckinghamshire HP18 0AP lies within the administrative area of Aylesbury Vale District and within the parish of Cuddington.
- (b) Cuddington Parish Council are eligible under section 89(2) b) (i) to make a community nomination in respect of the Cuddington Village Store, 2 Upper Church Street, Cuddington, Buckinghamshire HP18 0AP
- (c) The community nomination made by Cuddington Parish Council includes the matters required under regulation 6 of the Assets of Community Value (England) Regulations 2012
- (d) The land and building 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)
- (e) The Council considers that the current use of the land and building as a Village Store, Post Office is not an ancillary use, and that this use furthers the social wellbeing and social interests of the local community and that the land and building is of community value
- (f) The Council also considers it is realistic to think that there can continue to be non-ancillary use of the land and building which will further the social wellbeing and social interests (whether or not in the same way) of the local community.

4. Next Steps

Cuddington Village Store, 2 Upper Church Street, Cuddington, Buckinghamshire HP18 0AP 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) Cuddington Parish Council 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 provision 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 Head of Legal and Estates Services at Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF 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 Chief Executive, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF

7. Right to Compensation

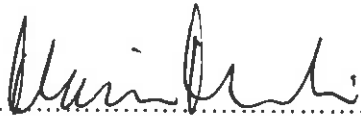
In accordance with paragraph 14 of the Regulations an owner or former owner of the land is entitled to claim compensation from the Council of such amount as the Council may determine, where they have incurred loss or expense in relation to the land which would be likely not to have been incurred if the 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 Finance at Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF

8. Additional Help

Further information about assets of community value is available from the website <http://mycommunityrights.org.uk/community-right-to-bid/> 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.

Signed 

Dated 10 September 2014

Head of Legal Services and Estates Services

Section 1 ABOUT YOUR COMMUNITY ORGANISATION

Q1 Name and address of your organisation:

Organisation name:

CUDDINGTON PARISH COUNCIL

Address and postcode:

VENETIA DAVIES
CLERK TO CUDDINGTON PARISH COUNCIL
PROSPECT COTTAGE
THE GREEN
CHEARSLEY BUCKS HP18 0AT

Registration number

(if you are a charity, company,
CIC or social enterprise)

n/a.

Q2 Please specify what type of organisation you are

Category

Tick ✓

Parish/Town Council

✓

Unconstituted / unincorporated Community Group whose members include at least 21 individuals who appear on the electoral roll

Neighbourhood Forum designated as pursuant to section 61F of the Town & Country Planning Act 1990

Industrial & Provident Society which does not distribute any surplus it makes to its members

Company Limited by Guarantee which does not distribute any surplus it makes to its members

Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004

Charity

Q3 Who should we contact to discuss this nomination?

Name:

KEN BIRKBY

Address and postcode:

Telephone number

Email address

Section 2 ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?

Name of property: CUDDINGTON VILLAGE STORES AND POST OFFICE
Address and postcode: UPPER CHURCH STREET
CUDDINGTON
AYLESBURY
HP 18 2AP
Name of property owner JOHN MUNDAY AND JOANNE BUSBY
Address and postcode:

Telephone number N/A.

Email address (if known)

Current occupier's name JOHN FRANK MOORE AND ELAINE ROSE MOORE
(if different from property owner)

Details of occupier's interest in property TENANTS

Section 3 DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET

Q5 Why do you feel the property is an asset of community value?

Please give as much information as possible about the current use of the asset i.e. what activities take place, what groups use the facility currently or in the recent past etc. Continue on a separate sheet if necessary. Definition of an asset of community value can be found in the guidance document.

Note: Any information entered into this section only may be copied and passed onto the owner of the property you are nominating.

SEE ATTACHED SHEET

Cuddington Stores and Post Office

Q5

Cuddington Village Stores and Post Office is the only remaining shop in the village of Cuddington. It is the nearest food shop for several small communities nearby and, additionally, the nearest Post Office for a wider catchment that includes the villages of Chearsley and Nether Winchendon.

With very restricted rural public transport, it provides an absolutely vital service, in particular for the more vulnerable members of the community and those without their own transport. There is a small, but significant, number of people who are completely reliant on the shop for their provisions.

The exceptionally wide range of goods stocked in the shop is also an encouragement for people to use their vehicles less and shop locally. This is reinforced by the initiative to stock items produced by local suppliers. There are now around 12 lines manufactured within a 10-mile radius.

The existence of the shop and Post Office provides an information exchange for the regular shoppers and also a vital link for finding out if a vulnerable shopper, who has not made their regular visit, is in need of some form of help.

The shop has become a box office for ticket sales in the high successful and acclaimed Village Picture House. It also exhibits works from local artists and craftspeople.

Without Cuddington Stores and Post Office the village would be on a path of decline, seen in too many other locations. Its presence is absolutely vital to this village and also other users in its catchment. It must be helped to survive.

Q6 What do you consider to be the boundary of the property?

Please give as much detail as you can and include a plan if possible.

SEE ATTACHED PLAN

Attachment checklist

- Copy of group constitution (if applicable)
- Names and home addresses of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)
- Evidence of current community use e.g. activity programmes, website links etc

✓ MINUTES JULY 2013.
Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate

Signed:

Print Name: K. BIRKBY

Position in Organisation: CHAIRMAN

Date: 17th July 2014

FOR OFFICE USE ONLY

Date received:

Decision deadline:

CUDDINGTON STORES AND POST OFFICE



BBYS LANE

Greenleas

CHURCH STREET

Prospect Cottage
 Bay Cottage
 Inglenook
 Beam Cottage

RCH CLOSE

Dyson House

White Gates

Springbank

Bankside

Bernard Hall

School House

Cuddington C of E School

Swimming Pool

UPPER CHURCH STREET

Saint Nicholas Church

TCB

Annie House

Kempnyrny House

Buthartyp How

The Chestnuts

The Old Post

The Lodge

Southways

Greenways

Pump

Linnels

Yadnum

The Crown (PH)

The Pitchings

Seven Stars

Owl Cottage

Wychen

Vulcan House

High Bank

Milford

Greatstone Cottage

How

Swan Cottage

El Sub Sta

Great Stone Cottages

Cottage

AYLEBURY ROAD

88.2m

+