

**Community Right To Bid Determination Form**  
**Localism Act 2011**  
**The Assets of Community Value (England) Regulations 2012**  
**Determination by Head of Planning & Transport**

Nomination Reference: BL/2013/ENQ/05262	
Date of Nomination: 16 <sup>th</sup> April 2013	
Site Address:	Former Red Lion Public House, Blacksnape Road, Darwen
Land/Property Description	Public house

Asset Owners:

<b>Name &amp; Address of Asset Owner</b>	<b>Connection to the asset</b>
Eileen Pickles, Red Lion Public House, Blacksnape Road, Darwen	Owner

Nominating Organisation:

<b>Name of Organisation:</b> Blacksnape Residents Group (Martyn Skipper Chairperson)	<b>Proof of eligibility to make a community nomination:</b>
<b>Type of Organisation:</b> Unincorporated Group	At least 21 locally registered voters signed petition

Summary of Reasons given by Nomination Organisation as to why the asset should be identified to qualify as an asset of community value:

An extract from the submission is below.

The Red Lion is the ONLY community facility in the village of Blacksnape and as such constitutes a key focal point for all community activity, including, but not limited to:

- The sole meeting point for the Residents' Group
- Often the only place to meet one's neighbours (the village is linear in form)
- Focus for many social activities, e.g. annual bonfire, annual carol concert, Christmas and New Years celebrations
- Meeting place and start / finish point for the local walking group
- Because of the exposed nature of the village and the remoteness of some of our residents, in severe snow the pub car park is both a refuge for cars that would otherwise be abandoned, and a turnaround point for potentially stranded vehicles
- Venue for annual Village Christmas function
- Meeting / social point for local Equestrian Centre, Karate Club, Bowling Club.
- Centre for village charity functions
- Superb (unsurpassed maybe?) views of the moors and Jubilee Tower
- Historic value. The Red Lion was certainly

in the 1841 census, and is believed to be much older - there are rumours that it was a stopping off point for transit prisoners in the 18th century

- Venue for successful Quiz Nights
- Celebrations for the Royal Wedding and Diamond Jubilee were held here
- Acts as a centre for Community exchange e.g. garden produce, eggs, books
- Meeting place for Blacksnape Book Club
- Venue for weekly Charity Meat Raffle
- Communal drop-off point for, e.g. courier companies, dry-cleaning etc, both when residents are not at home and when properties are inaccessible for example due to snow (this is an annual occurrence these days)
- Occasional meeting venue for East Rural Network - when regular venue, the Carus Centre is unavailable, or to enable the Network to reach into the wider community: the ERN also occasionally spawns sub groups to perform or manage specific tasks- these subgroups often meet at the Red Lion
- The pub car park serves as a point for heavy plant to work from when major highway maintenance etc occurs
- Has been used by mobile radar guns for traffic speed control
- Regular stop off / meeting point for the many cyclists, walkers and motorcyclists that pass along the Roman Road
- Was the birthplace of, and remains the meeting place for, the Neighbourhood Watch Group.
- The speed-sensitive traffic sign is situated here
- The pub is a safe haven for the village's teenagers to socialise and be introduced to adult life away from the drugs and antisocial behaviour common in Darwen
- Since the inauguration of the residents' group, the pub has played host to guest representatives from, *inter alia*, Highways, Community Policing, Councillors and Environmental agencies.
- Property values are likely to decline should the village be stripped of its final community amenity.

- Provides extra parking for guests of residents and other visitors to the village (e.g. the Royal Couple's helicopter landing on Blacksnape Playing fields)

## Response to the Consultation:

Agents acting on behalf of the present owners of the site have responded to the nomination request. The following is an extract from their submission. *“As regards the information related to the asset provided in the Blacksnape Resident Group submissions, this appears to be an historic list of activities and occurrences at the Red Lion, which purports to demonstrate that the property has been of community benefit. Although many of these comments are somewhat spurious and are largely unrelated to the property’s former function as a public house, we have no evidence to dispute the assertions that such activities have occurred. Of course the fact remains that, in accordance with the regulations, it is necessary for the Council to be able to conclude 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”**”. Evidently the pub was sold as it was no longer considered to be a viable business and there is no evidence whatsoever to suggest that this would change at any time in the future. Indeed even Blacksnape Resident Group’s submissions offer no real evidence that the pub could be operated on a commercial basis. Suggestions that the pub might be viable if food were to be offered simply ignores the realities of the current licensed trade, particularly those in areas with a very sparse local population base. Moreover and in any event, the current owner has stated that she has no intention of operating the property as a public house or other use of community value at any time in the future and she is currently considering her options as to how to make use of the property, be that some form of residential use, mixed residential / business or other commercial use. Under these circumstances, it seems that it would be wholly unrealistic for the Council to think that there is a time within the next five years that the primary use of the building would further the social wellbeing or interests of the local community. They maintain their view that the application should be rejected as the building is not of community value in accordance with the regulations.”*

## Assessment:

The Blacksnape Residents Group are eligible to make a nomination as an unincorporated group with a membership of at least 21 local people. The Council must consider whether the former Red Lion Public House meets the definition of an Assets of Community Value as set out in Section 88 of the Localism Act 2011 i.e in this case that it is currently is use that furthers the social well-being and interests of the local community, or a use in the recent past has done so, and also that it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further the social well-being or social interests of the local community (whether or not in the same way).

## Whether the current use furthers the social well-being and interests of the local community?

The adopted Blackburn With Darwen Borough Local Plan, Saved Policy RA15 states that public houses have a distinct role within rural areas as community facilities. Pubs provide a location for local residents to meet informally, which in itself can help to strengthen a sense of community.

, The Blacksnape Residents Group detail in their submission that the Red Lion Public house was used as a base for meetings of local groups including the Group itself, the East Rural Network & book clubs. These groups themselves have a role in strengthening the community and thus there is community value in a venue which provides somewhere for them to meet. The CLG document “Assets of Community Value – Policy Statement” (September 2011) in the definition of assets of community value state: “its actual current use furthers the social well-being and interests of the local community; **or a use in the recent past has done so.**”

*Whether 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.?*

As well as considering whether the current use of Red Lion Public House furthers the social well-being or social interests of the community, it is also necessary to consider whether it is realistic to expect this use, or another use that also furthers the social well-being or interests of the community, to continue,.

It is understood that the premises have been sold to the current landowner, and they have stated in their response that they are intending to convert the property to a non-public house use, subject to the formal submission of a planning application.

The current landowner has stated that the pub was marketed for several weeks before their offer was received and accepted. However, continued use of the Red Lion as a pub is encouraged by planning policy. The Saved Local Plan Policy RA15 is designed to protect pubs by stating that Planning permission will only granted for the change of use of a public house if either no other potential occupier can be found after realistic marketing, if there is substantial evidence of non-viability, or if suitable alternative public houses exist over a period of at least 12 months.

The property has not been marketed for sufficient time to conclude that the Pub use could not continue. It is considered that The Red Lion Public House had and could still have an important community function. It is a venue within an attractive rural setting along a main through route between Darwen, Hoddlesden and Turton, providing a place for members of the local community to come together.

## Decision

### I confirm that:

**Nominated Asset:** Red Lion Inn, Blacksnape Road, Darwen

**Should** be an Asset of Community Value and included on the City Council's Local Assets of Community Value Register and placed on the Local Land Charge Register.



Neil Rodgers  
Head of Planning & Transport

Date: 6<sup>th</sup> August 2013

Background Papers: Nomination application, letter from the owners.

Contact Officer: Gavin Prescott, Development Manager

Telephone: (01254) 585694

Date: 6<sup>th</sup> August 2013