



Buckinghamshire Council

Community nomination in respect of

**Cuddington Village Stores and Post Office, Upper Church Street,
Cuddington, Aylesbury, Bucks HP18 0AP**

Notice under section 91 of the Localism Act 2011 ('the Act')

1. The Nomination

On 21 August 2024, Buckinghamshire Council received a nomination under section 89 of the Act to list the Cuddington Village Stores and Post Office as an asset of community value ("the Nomination"). The Nomination was made by Cuddington Parish Council. A copy of the Nomination is attached at Appendix 1, 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 Upper Church Street, Cuddington, Aylesbury, Bucks HP19 0AP
- (b) The site currently comprises of the Cuddington Village Stores and Post Office
- (c) The Cuddington Village Stores and Post Office was previously listed as an Asset of Community Value from 16 September 2019 to 15 September 2024
- (d) The nominating group (Parish Council) stated that as well as being the only shop in the village, and for surrounding villages, the Village Store and Post Office acts as a meeting point and hub for Cuddington village, as well as for surrounding villages. This actual current use furthers the social wellbeing and interests of the local community, benefits the whole community, and is not an ancillary use. This use and social wellbeing will likely continue in the future while the shop continues to operate.

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 there was an actual current use, or use in the recent past, of the building or other land that is not ancillary use, which 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 or buildings 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 or buildings 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 or buildings is within its area and is of community value.

3. Decision and Reasons

- (I) The property comprising the Cuddington Village Stores and Post Office lies within the administrative area of Buckinghamshire Council within the Parish of Cuddington.
- (II) The Cuddington Parish Council is eligible under section 89(2)(b)(i) to make a community nomination in respect of the Cuddington Village Store and Post Office and had previously nominated it in 2019 when it had been listed as an ACV by the Council. The nomination made by the Cuddington Parish Council includes the matters required under regulation 6 of the Assets of Community Value (England) Regulations 2012
- (III) The Property does not fall within a description of a property which may not be listed as specified in Schedule 1 of the Assets of Community Value (England) Regulations 2012 (the Regulations).
- (IV) The nominating group stated that Cuddington Village Stores and Post Office furthers the social wellbeing and interests of local people and has been the social hub of the village for a number of years. It is realistic to think that this will continue in the future, not be ancillary use, and further the social wellbeing and social interests of the local community.

The Council **ACCEPTS** the nomination by the Cuddington Parish Council and includes the Cuddington Village Stores and Post Office in its list of assets of community value.

The reasons for this decision are as follows:

The Cuddington Village Stores and Post Office is (1) actually used to further the social wellbeing or social interests of the local community ("community benefit") and this use is not an ancillary use; and (2) it is realistic to think that this use will continue in the future, not be ancillary use, and further social wellbeing or social interests to benefit the local community.

4. Next Steps

The Cuddington Village Stores and Post Office, Upper Church Street, Cuddington, Aylesbury, Bucks HP19 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/property
- (b) the occupier of the land if the occupier is not also the owner
- (c) Hambleden Parish Council as the nominee body

5. Consequences of Listing

The land or buildings 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 or buildings 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 or buildings 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 Service Director of Legal and Democratic Services at Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, Bucks

HP19 8FF if they wish to enter into a relevant disposal of the land or buildings. 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 or buildings.

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 or buildings. **A disposal of listed land or buildings 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 or buildings 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 Service Director of Legal and Democratic Services, Buckinghamshire 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 or buildings 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 or buildings which would be likely not to have been incurred if the land or buildings had not been listed.

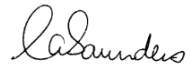
A claim for compensation must be made in writing within 91 days of the loss or expense being incurred (or as the case may be) finish being incurred; must state the amount of compensation sought for each part of the claim and be accompanied by supporting evidence for each part of the claim.

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 Buckinghamshire 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

A handwritten signature in black ink, appearing to read 'C. Saunders'.

Craig Saunders

Committee and Governance Services Manager on behalf of the Asset of Community Value Member Panel

Legal and Democratic Services, Deputy Chief Executive Directorate

2 October 2024

ASSET OF COMMUNITY VALUE – NOMINATION FORM (received 16 AUGUST 2024)

Additional information provided on 20 August 2024

You have received a nomination.

Organisation name: Cuddington Parish Council

Organisation address: [REDACTED]
[REDACTED]

Type of organisation: Parish/Town Council

Name: Venetia Davies, Clerk

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: cuddingtonpc@gmail.com

Name of the property you would like to nominate: Cuddington Village Stores and Post Office

Address of the property: Upper Church Street, Cuddington, Aylesbury, Bucks, HP18 0AP

Name of property owner: John Munday and Joanne Busby

Address of the property owner: [REDACTED]
[REDACTED]

Joanne Busby, [REDACTED]

Telephone number: [REDACTED]

Current occupier's name (if different from property owner): Suthargini and Jeyananthan

Is this nomination for a new listing or re-listing a property?: Re-listing a property
Why do you feel the property is an asset of community value?: Cuddington Village Stores and Post Office is the only remaining retail shop in the village of Cuddington. It is also the nearest shop for several nearby communities including neighbouring village Chearsley who lost it's village shop in 2022. The Post Office services a number of villages within a two mile radius of Cuddington, providing an important cash withdrawal feature, as well as other PO services.

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

The stock shops a wide range of ambient, chilled and frozen food, as well as newspapers and magazines, stationery and fancy goods. It is also an off-licence and a ticket office for the highly successful 'Village Picture House' and theatre productions in the village. The shop also provides the refreshment facilities for these events.

The existence of Cuddington Stores and Post Office provides an information exchange for regular shoppers and is also a vital link for finding out if a vulnerable shopper, who has not made their regular visit, is in need of some support. It was a vital resource during the pandemic.

Without Cuddington Stores and Post Office the village of Cuddington would be on a path of decline, seen in too many locations. It contributes hugely in attracting people to come and live in this vibrant and growing community as well as serving nearby communities. It must survive.

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: Please see attached drawing.

Parish Council Resolution - Draft Minutes - June 2024, Item 14

<https://cuddingtonvillage.com>

Attach a boundary plan if you have one: CPC - Cuddington Stores and Post Office Location Map.pdf, CPC - STANDING ORDERS - May 2024.pdf, CPC - Draft Minutes - Tuesday 25th June 2024 in Bernard Hall.pdf

Attachment checklist: Copy of organisation constitution (if applicable), Site boundary plan, Evidence of current community use e.g. activity programmes, website links etc, Copy of the parish/town council (if applicable) resolution/minute which proposes the nomination

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate: I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate, I confirm that I have read the FAQs and guidance for making a nomination and/or have spoken to a member of staff about this application.

