



Basingstoke
and Deane

BASINGSTOKE AND DEANE BOROUGH COUNCIL
ASSET OF COMMUNITY VALUE
REVIEW DECISION NOTICE

<u>Nominated Asset:</u>	The Camrose Football Stadium, Western Way, Basingstoke, RG22 6EZ
<u>Nominating Organisation:</u>	Basingstoke Town Community Football Club
<u>Date Nomination received:</u>	10 November 2020
<u>Date of Decision to list:</u>	12 January 2021
<u>Details of request for review:</u>	Review requested by Phillips Solicitors on behalf of their client Basingstoke Town Limited by letter dated 18 February 2021
<u>Officer undertaking review:</u>	Fiona Thomsen, Head of Law and Governance
<u>Procedure for review:</u>	Basingstoke Town Limited declined an oral hearing and the Head of Law and Governance, having considered the information before her, determined a hearing was not required to reach a decision.

Background Facts

Basron Developments Limited (“Basron”) is the freeholder of the land edged red on the filed plan to the land registered at HM Land Registry under the title number HP609233 comprising about 71% of the Camrose Stadium (“the Stadium”). The freehold of the remainder of the Stadium and the approach and car park, about 29%, is owned by Basingstoke and Deane Borough Council and is registered at HM Land Registry under title number HP737900.

Basingstoke Town Limited is the registered proprietor of the residue of the term of ninety nine years granted by a lease dated 12 November 1953 which demised the land now owned by Basron as freeholder. Basingstoke Town Limited’s leasehold interest is registered under title number HP381983.

The Council’s land is subject to a long leasehold interest created by a lease dated 17 May 1962 for a term of 92 years from 30 June 1960 held by Basingstoke Town Limited and registered with leasehold title HP381982.

Basingstoke Town Football Club played at the Camrose for over 70 years. It last played at the Camrose in April 2019.

Planning applications to develop the Stadium were submitted by Basron on 18 April 2019. These were for the erection of up to 85 dwellings with associated access and external works following the demolition of the existing stand and terraces and for the erection of a 70 bedroom care home and 6 new dwellings with associated access and external works, following the demolition of the existing bookmakers and part of the existing clubhouse.

After leaving the Camrose in April 2019, the football club commenced a ground share with Winchester City Football Club and in September 2020 moved to Winklebury Football Complex.

On 23 September 2020 the Development Control Committee of Basingstoke & Deane Borough Council refused the application for planning permission on the site.

Basron appealed against refusal of planning permission on 17 March 2021 and the appeal is pending.

The Nominating Organisation, Basingstoke Town Community Football Club, was formed in July 2017, its objectives being:

1. To secure a permanent home within the town of Basingstoke or the wider borough.
2. To keep financial sustainability and community focus at the forefront of everything we do.
3. To be recognised not just as a football club but as a force for good in the community providing opportunities for participation in a range of sporting, social and cultural activities in the immediate community and beyond for youngsters and people of all ages regardless of income, background, ethnicity, gender, disability, sexuality, religion or moral belief.
4. To develop local players/coaches (to be recognised as the best non-league Academy in Hampshire).
5. To play first team football at the highest, sustainable level.
6. To be a centre of excellence and support for all other clubs, as the most senior club in the area.
7. To recognise that more can be achieved in partnership where the needs of others can be shared and understood and developed for mutual benefit.

The Community Club has formed a “Save the Camrose” committee whose “primary objective is to demonstrate the community club’s ability to operate its own site and outline why the Camrose is the ideal place and rightful home for football in the community.”

Information relied upon in undertaking the Review

- Letters dated 10 December 2020 and 18 February 2021 from Messrs Phillips Solicitors acting for Basron Developments Limited and Basingstoke Town Limited.
- Nomination form dated 10 November 2020

- Decision Letter dated 15 January 2021
- Decision of the Development Control Committee dated 23 September 2020
- Applicant submitted an appeal against the refusal of planning permission at the Stadium on 17 March 2021
- Information relating to Basingstoke Town Community club on [Basingstoke Town FC Official Website \(btfc.co.uk\)](http://BasingstokeTownFCOfficialWebsite.btfc.co.uk)

The Legal Framework

Section 88 Localism Act 2011 sets out the statutory criteria for determining whether land is of community value.

The first qualifying criteria is where in the opinion of the authority

- 1(a) an actual current use of the land that is not ancillary use furthers the social wellbeing or social interests of the local community and
- 1(b) it is realistic to think that there can continue to be non ancillary use of the land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

Where this first criteria does not apply, land can be of community value if in the opinion of the local authority:

- 2(a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
- 2(b) 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.

Section 88 defines “social interests” as including cultural, recreational and sporting interests.

The Review

The first qualifying criteria (1(a)) does not apply as the land is not currently being used for social wellbeing or social interests. Therefore, the relevant criteria is the definition in 2(a) and 2(b) which concerns use in the “recent past” and whether it is realistic to think in the next five years that there could be non ancillary use of the land that would further the social wellbeing or social interests of the local community.

There appears to be no dispute by Basingstoke Town Ltd that Basingstoke Town Community Football Club is eligible to make the nomination and therefore, I have not addressed this point.

As regards “recent past” there is a comment in the letter dated 10 December 2020 from Phillips solicitors referring to this first criteria, which states that “although many football stadia have been listed as ACV these are where the playing of football is viable”. The letter goes on to say that “the important difference in this case is that

football has not been financially viable at the Stadium for a long time before it closed. It is analogous to a rundown public house which has been unviable for a long time.”

The representations on this point go no further and therefore, it appears this point is not being argued as a reason for not listing.

For the sake of any doubt, however, my view is that 2(a) above is met. Football was played at the Camrose for about 70 years until April 2019. Given the length of time since football was last played at the Stadium, 2 years (and less than two years when the original nomination was submitted) in my view this amounts to “recent past”.

The main objection to the listing of the property concerns the second limb of the criterion (2(b)) in that it is argued that it is not realistic to consider that the Stadium will further the social wellbeing or social interests of the local community (whether or not in the same way) again at a time in the next five years

The representations in the correspondence from the solicitors for Basingstoke Town Limited and Basron set out reasons why they argue that this second limb is not met.

The reasons are summarised in the solicitors’ letter dated 10 December 2020 and consist of:

1. The Community Club is settling into the Winklebury Facilities and it would be against its interests to seek to move back to the Stadium;
2. It is against the interests of the local community to seek to divert funds and efforts from the facility at Winklebury;
3. The planning permission for the new link road running through part of the Stadium means it is not practical to continue to use the Stadium even if otherwise possible which it is not;
4. The Stadium requires more than £1 to £1.5 million expended on it to put it in a condition that would allow it to be used by the public and for the playing of football and assuming that it can be purchased. The level of funding is not and will not be available. In addition the operational running costs will be significantly higher than those applicable to the Winklebury facilities.
5. The open market value of the Stadium far exceeds a level which is feasible for a community interest group to contemplate and fund the carrying costs;
6. No community group will be able to raise the funding for the acquisition and required building work and no third party undertaking will provide such funds in respect of the Stadium. In the nomination it is asserted that it is realistic to expect that the Stadium can further social wellbeing within a relatively short period. Such a bald assertion without any supporting substance highlights the absence of any ability to tackle the real difficulties facing the Stadium.... The financial viability of the Club at the Stadium has been proven over many years to be unsustainable and the continued existence of the Club has occurred due to the generosity of its benefactors.
7. The Community Club is more likely to be financially viable at Winklebury;
8. The sad reality is that notwithstanding the population size of Basingstoke it is a proven fact that over many years the community is not and has not supported in sufficient numbers at a financially sustainable level the playing of football that necessitates the continued existence of the Stadium

The solicitors' letter dated 18 February 2021, which requests this review, reiterates these reasons and supplements them with the following points which I have summarised:

- The Council, in conjunction with Hampshire Football Association and the nominating organisation have actively participated together in the enhancement and planned usage of football facilities at the Winklebury Ground. A management agreement regulating usage has been agreed and is being implemented with the proposal for the Community Club to enter into a 40 year lease.
- The annual cost of running and maintaining the Ground is said to be in excess of £110,000 per annum.
- The Council has been involved in discussions regarding the relocation of the Football Club and has been keen to see the reapplication of funds from the redevelopment of the Camrose Ground site to assist in the provision of football facilities. To the knowledge of Basron and Basingstoke Town Ltd the Council has not suggested plans or proposals for alternative leisure or sports facilities at the ground.

I note all of these representations and acknowledge the commercial viability concerns expressed by the solicitors on behalf of Basingstoke Town Ltd.

However, the main consideration for me in determining this review is the fact that planning permission has not been granted and is currently the subject of an appeal. Until the owner has planning permission he is not in a position to prevent further community use in the next 5 years.

Planning policy safeguards the current use of the land under Community, Leisure and Cultural Facilities and until such time as planning permission is granted for alternative use it will remain protected for its current use. Local Plan Policy CN8 provides that development of Community, Leisure and Cultural Facilities will only be permitted in compliance with the requirements of the policy. One of the reasons for the refusal of planning permission was that the proposed development would result in the loss of a valued facility and the proposed replacement facilities would not be equivalent or better.

I am unable to speculate on the outcome of the planning appeal and therefore, with that in mind, need to consider what the possible future uses of the nominated assets are during the period of 5 years.

If the owner is not successful on the planning appeal, it will need to consider other options for the land. Given the planning policy protects the current use of the land this may include a future community use. Cases establish that the test does not require the likely future use of the relevant land to be determined but rather to determine whether future community use is one of a number of realistic options. (*Worthy Developments Ltd v Forest of Dean DC CR/2014/0005 paras 18 and 19*).

If Basron fails to achieve the planning permission it is seeking there will be a number of possibilities as regards the future and in my view, given planning policy CN8, it is realistic to think that one may result in future non-ancillary community use.

The nominating organisation has formed a campaign committee whose aim is to “Save the Camrose”. The campaign objectives are set out on the Basingstoke Town Football Club website. They are:

- **Redevelopment** - To fight to regain our land and redevelop The Camrose to become a sports hub as a home for the football club and to benefit of the borough of Basingstoke as a whole.
- **Funding** - To raise vital funding to ensure the club are in the best position to return to its home.
- **Partnerships** - To develop healthy working partnerships with Basingstoke and Deane Borough Council, Sport England, Football Foundation, the FA, local clubs and the community to bring The Camrose back to life. As well as local Schools, grassroots teams and the community to ensure provision for the community in which we serve.
- **Objection** - To actively speak up and object to any appeal or further plans to redevelop the land while it is still owned by the former Chairman Rafi Razzak.
- **Protection** -To achieve stronger protection and regulation to ensure other sports clubs do not suffer the same plight. It needs to be stopped once and for all.

Given there is an active campaign group and planning permission has not yet been secured for the redevelopment of the site, my view is that community use remains a realistic possibility and I am therefore upholding the listing of the site as an asset of community value.

Should Basron Developments Ltd be successful in the planning appeal the Council should review the listing as an asset of community value to consider whether the criteria are still met. Regulation 2 of the Assets of Community Value (England) Regulations 2012 require a local authority as soon as practicable after receiving information that enables it to do so to amend the entry on the list by removal of the entry if “the authority for any reason no longer considers the land to be land of community value”.

DECISION

For the reasons outlined above I have decided to uphold the listing as an asset of community value.

Fiona Thomsen
Head of Law and Governance and Monitoring Officer
15 April 2021