

BIRCHINGTON PARISH COUNCIL

FINANCE, POLICY AND GOVERNANCE COMMITTEE – 09.06.2026



REPORT: PROPOSED DISPOSAL OF ROSSETTI GARDENS, STATION APPROACH, BIRCHINGTON (ASSET OF COMMUNITY VALUE)

Background

Thanet District Council (TDC) approved the listing of Rossetti Gardens, Station Approach, Birchington as an Asset of Community Value under the provisions of the Localism Act 2011 on 10.04.2026. (APPENDIX A)

In approving the nomination, TDC stated:

The main use of the asset furthers the social wellbeing or social interests of the local community at the present time and it is realistic to think that this can continue into the near future.

On 27 May 2026, BPC received further correspondence from TDC advising that it intends to dispose of the asset and that the statutory ACV disposal process commenced on 20 May 2026. The Council has been advised that any community interest group wishing to be treated as a potential purchaser must submit written notice of its interest by 1 July 2026. (APPENDIX B)

Asset of Community Value Process

The Community Right to Bid provisions contained within the Localism Act 2011 are intended to provide local communities with an opportunity to prepare a bid for an asset which contributes to the social wellbeing or social interests of the community.

The current timetable is as follows:

Action	Date
Notification Date	20 May 2026
Interim Moratorium Commences	20 May 2026
Deadline for Written Notice of Interest	1 July 2026
Full Moratorium Ends (if triggered)	20 November 2026

If a qualifying community interest group submits a written request to TDC before 1 July 2026, the interim moratorium period will be extended to a full six-month moratorium period ending on 20 November 2026.

The purpose of the full moratorium period is to allow sufficient time for a community organisation to investigate acquisition, prepare a business case and secure funding.

Members should note that designation as an Asset of Community Value does not require the owner to sell the asset to a community organisation. The legislation merely delays disposal to provide an opportunity for a community bid to be prepared.

If no qualifying request is received by 1 July 2026, TDC will be free to proceed with disposal of the asset within the subsequent protected period.

Qualifying Community Interest Group

It should be noted that whilst Parish Councils are eligible to nominate assets for inclusion on the Asset of Community Value Register, it is not entirely clear whether a Parish Council is regarded as a qualifying "community interest group" for the purposes of triggering the full moratorium period.

Thanet District Council's correspondence does invite the Parish Council to give written notice of our potential interest. It then goes on to specifically refer to a written request being received from a community interest group wishing to be treated as a potential purchaser.

Clarification should therefore be sought from Thanet District Council as to whether Birchington Parish Council may submit an expression of interest in its own right or whether this would need to be undertaken by another qualifying community organisation.

Open Space Considerations

Rossetti Gardens currently functions as a publicly accessible amenity space and open area within the village centre.

In addition to the Asset of Community Value legislation, local authorities disposing of public open space are subject to the requirements of Section 123 of the Local Government Act 1972.

Before disposing of public open space, a local authority must advertise its intention to dispose of the land in a local newspaper for two consecutive weeks and consider any objections received before a final decision is made.

Clarification should be sought from Thanet District Council as to whether the land is regarded as public open space for the purposes of Section 123 of the Local Government Act 1972 and whether the statutory requirements relating to the disposal of public open space will apply.

Evidence that Rossetti Gardens may be regarded as a public open space includes;

- ***Ownership by Thanet District Council.***
- ***Public access without restriction.***
- ***Use by residents for informal recreation and enjoyment.***
- ***Landscaping, seating, planting or other amenity features.***
- ***References in Council documents describing it as open space, amenity land, public realm or community space***
- ***Community Asset Transfer process instigated in 2019, which was derailed by CoVid***

Implications for Birchington Parish Council

The Council has previously indicated its wish to see Rossetti Gardens retained as a community open space for the benefit of residents.

The current ACV process provides an opportunity to secure additional time in which options for the future protection, ownership or management of the site can be explored.

Should the Council be eligible, or should an alternative qualifying community organisation be identified, a written expression of interest would secure the full six-month moratorium period ending on 20 November 2026.

At this stage, the Council is not being asked to submit a formal bid or commit to acquisition of the asset.

Financial Implications

There are no immediate financial implications arising from the notification received from Thanet District Council.

Next Steps

The Finance, Policy and Governance Committee is requested to:

1. Note the notification received from Thanet District Council regarding the proposed disposal of Rossetti Gardens.
2. Reaffirm the Council's wish to see Rossetti Gardens retained as a community open space.
3. Request clarification from Thanet District Council as to:
 - whether Birchington Parish Council qualifies as a community interest group for the purposes of submitting a request to be treated as a potential purchaser under the Asset of Community Value legislation;
 - and whether the disposal will be subject to the statutory requirements relating to the disposal of public open space.
 - in the event of a sale the Parish Council also needs to understand whether the asset will be subject to any restrictions, covenants or conditions designed to preserve its future use as a community asset or publicly accessible open space.

As the deadline is 1 July a letter has been drafted for approval by FP&G. (APPENDIX C)

APPENDIX A: Notification of approval of Listing of Asset of Community Value

Thanet District Council

**Notification of approval of Listing of Asset of Community Value
Chapter 3 of the Localism Act 2011**



To: Birchington Parish Council

TAKE NOTICE that THANET DISTRICT COUNCIL, has Approved the nomination for:

PROPOSAL: ASSET OF COMMUNITY VALUE NOMINATION

LOCATION: Rossetti Gardens, Station Approach, Birchington, Kent, CT7 9RD

The reason for the approval is that:

The main use of the asset furthers the social wellbeing or social interests of the local community at the present time and it is realistic to think that this can continue into the near future.

Assets will be listed for a period of five years and the listing will be added as a local land charge and in the case of registered land a restriction will be placed on the Land Registry.

All reviews will be carried out by a senior manager, who is independent of the original decision process. In the case of a 'listing review' an appropriate cabinet portfolio holder will partner the senior manager in the decision.

A request for a review must be made in writing and sent to:

Community Right to Bid: Review
Property
Thanet District Council
PO Box 9
Cecil Street
Margate
Kent CT9 1XZ
Or email: propertyandassetmanagement@thanet.gov.uk

Further guidance can be found on the Council's website at
<http://thanet.gov.uk/your-services/community-development/community-right-to-bid>

Dated: 10.04.2026

Signed

A handwritten signature in black ink, appearing to be "Bob Porter".

Thanet District Council
P.O. Box 9
Cecil Street
Margate
Kent CT9 1XZ

Bob Porter
Director of Place

APPENDIX B: Notification of ACV Disposal dated 27.05.2026

Telephone: 01843 577788
Ask For: Tina Searchfield / Kirsty Fahy
Email: propertyandassetmanagement@thanet.gov.uk
Application Ref No: ACV/26/RSG
Date: 27 May 2026



Parish Office
2 Albion Road
Birchington
Kent
CT7 9DN

Email: Clerk@birchington-pc.gov.uk

Our ref: ACV/26/RSG

Dear Birchington Parish Council,

RE: Asset of Community Value - Potential Bid for Rossetti Gardens, Station Approach, Birchington, Kent, CT7 9RD

As the owner, Thanet District Council has announced plans for the disposal of the above property.

If you would like to bid for the asset, a written notice of your potential interest needs to be provided by 1 July 2026.

Provided Thanet District Council receives a written request from a community interest group, requesting to be treated as a potential purchaser, then the interim moratorium period shall be extended to a full moratorium period of 6 months beginning on the notification date of 20 May 2026.

However, if no written request is received by Thanet District Council, then we are free to make the relevant disposal within the protected period (18 months) from the notification day. Please provide your interest in writing to us.

Yours sincerely

Property Team

APPENDIX C: Proposed letter to TDC Property Team

BIRCHINGTON PARISH COUNCIL
2 Albion Road
Birchington CT7 9DN
Telephone: 01843 846666



June 10th 2026

Dear Property Team

YOUR REF: ACV/26/RSG

Thank you for your letter dated 27 May 2026 regarding the proposed disposal of Rossetti Gardens.

Birchington Parish Council is considering the matter and wishes to see Rossetti Gardens retained as a community open space for the benefit of residents. The Council therefore wishes to explore all available options for the future protection, ownership or management of the site.

The Council would be grateful if Thanet District Council could clarify the following matters:

1. Whether Birchington Parish Council qualifies as a community interest group for the purposes of submitting a request to be treated as a potential purchaser under the Asset of Community Value legislation.
2. Whether Rossetti Gardens is regarded by Thanet District Council as public open space for the purposes of Section 123 of the Local Government Act 1972 and, if so, whether the statutory requirements relating to the disposal of public open space will apply to the proposed disposal.
3. Whether Thanet District Council intends to dispose of the asset subject to any restrictions, covenants or conditions designed to preserve its future use as a community asset or publicly accessible open space.

Given the deadline of 1 July 2026 referred to in your correspondence, and without prejudice to the above enquiries, Birchington Parish Council wishes to confirm its interest in Rossetti Gardens and its desire to see the site retained as a community asset and publicly accessible open space.

Please treat this correspondence as the Council's formal notice of its wish to be treated as a potential purchaser of the asset.

I would be grateful for your response at your earliest convenience.

Yours sincerely,

Chairman. Cllr. Nick Blankley
Tel: 01843 846666
Nick.Blankley@birchington-pc.gov.uk

Parish Clerk/RFO Miss Jane Bevan
Tel: 01843 846666
Clerk@birchington-pc.gov.uk