



## Note of Meeting - Tuesday 14 August 2007

### The Sale of the Manor of Rusthall

---

#### 1. Purpose of the Meeting

The meeting arose from the announcement (reported in The Courier 10.8.2007) that the Manor of Rusthall is to be put up for sale. Although arranged by the Civic Society as a special meeting of its Executive Committee, it had been intended that the gathering would be widened to include other interested parties.

Thus Philip Whitbourn attended from the Town Forum, and Jenny Blackburn from the Friends of the Commons. However Rodney Stone, the Clerk to the Commons' Conservators, who was to have attended was ill.

#### 2. Sale of the Manor

The meeting was informed that the Manor was being marketed on a world-wide basis through CB Richard Ellis, Ibbett Moseley being thought too small an organisation for the purpose. The aim was understood to be the securing of the highest price possible, preferably as a simple unit, although possibly in four lots, namely: The Commons, The Pantiles, Mount Edgcumbe and the Lordship of the Manor. It was said that the sale was expected to take place in the second half of September, and that the Civic Society had registered with CBRE as an interested party.

#### 3. The Manor of Rusthall

It was said that the Manor of Rusthall had generally acted very responsibly over the years and the fear now was that a new owner, perhaps from overseas, may not have the same approach. The present Lord of the Manor was The Honourable Jeremy Menuhin (through whose family the descent of the Lordship could be traced back to Sir George Kelley – who bought this medieval Manor back in 1758).

Also, there were said to be two Trustees; Chris Hall, sometime partner in Crips Harries Hall, and Nicholas van den Branden. Having an interest in the Manor, too, were Gerard Menuhin, Jeremy's younger brother, and the Menuhin School at Stoke D'Abernon. It was understood that no prospectus for the sale had yet been seen, and thus, the precise extent of the land holding was uncertain. The meeting was informed that nos 7, 9, 13, 14-16, 32-36, 70 and 72 The Pantiles were thought to be owned by the Manor.

*(Background note: in fact the Manor's holding on The Pantiles is more extensive than this and is believed to include nos 7- 15 and 33-43 (odd), together with nos 4-16, 30-36, and 46 -72 (even) and the colonnade and walks.*

#### 4. Some relevant Acts

The Rusthall Manor Act of 1739 was mentioned as a document that had not been studied recently, and a possible source of loopholes that might be exploited by a new Lord, if he or she felt so inclined.

(The Act legislated against "encroachment" on The Commons, although it was primarily concerned with dividing ownership of The Pantiles between the Lord and the Freeholders).

The Tunbridge Wells Improvement Act, 1890 (which gave the inhabitants free access to The Commons) was largely re-enacted in the County of Kent Act of 1981. These Acts provided for an independent body of 12 Commons Conservators; 4 from each of TWBC, the Manor; and the "Freehold Tenants" (ie owners of property within the Manor boundaries). There was said to be an unresolved dispute between the Lord and the Freehold Tenants, which may yet go to the High Court. It was thought that the Freehold Tenants Conservators currently included Mungo Chapman, Peter Freeman and Nick Hill.

*(Background note: mention was not made of the Rusthall Manor Act of 1863, the House of Lords case of 1896, or of Courts Baron that had been held although it was recognised that a legal minefield could exist, especially as early legislation pre-dated the motor car and was from a time when grazing rights were important).*

## 5. The Commons (Tunbridge Wells and Rusthall)

The Commons were thought to cover some 256 acres and to produce a net income of £30K - £50K, although no accounts had been seen. On that basis, they might have a value of; say, £600K - £1M, subject of course to the fact that the value of any property is actually that which a new owner is willing to pay. The meeting appeared to be working on the assumption that securing ownership of the Commons for the benefit of the town was its objective, and it appears to be felt realistic that the local authorities might see their way to acquiring them for up to £1M. The precedent was quoted of East Sussex CC acquiring the Ashdown Forest for £1M, with help from the National Heritage Memorial Fund. There was a view expressed that the Lordship should go with the Commons. On the other hand, there could be a danger of the Council having 8 out of 12 Conservators appointments in its hands, instead of the present 4. This could be particularly worrying if highway proposals were to come forward, as they had in the past. Also there was some discussion about car parking on the Fair Ground site, which has been a source for controversy, on and off, since the development of Union House.

## 6. Mount Edgcumbe

The group of buildings at Mount Edgcumbe was seen as a possible separate issue from the rest of the Commons, and as having a value of perhaps £1M or so in its own right.

## 7. Lordship of the Manor

It was opined that anything between £10K and £200K might be the going rate for the Lordship of the Manor, depending how much appeal the title might have for a particular individual and what else went with the title.

## 8. The Pantiles

It was thought that The Pantiles properties yielded between £250K and £300K a year and might thus be worth £ 7M. This was assumed to be beyond realistic acquisition and the focus of the meeting was very much on the Commons, rather than on The Pantiles. Philip Whitbourn did raise the possible worry of the control of the paved walks and the colonnade being in the hands of an unknown new owner, rather than with the local authority. However, the main thrust of the meeting remained the Commons, and the Pantiles traders, e.g. appeared not to be seen as potential partners in any joint campaign. (Geoff Butler has informally suggested that a "Friends of The Pantiles" organisation on the lines of the Friends of The Commons, Dunorlan, Woodbury Park Cemetery, the Museum etc. might be timely)

## 9. Tunbridge Wells Borough Council

It was understood that TWBC curenly pays some £120K annually for the management of the Commons, based upon a budget prepared by Steve Budden. No debate had been held in Council concerning the sale of the Manor, and there was no scheduled meeting of the Council for some time ahead. It was suggested, nevertheless that Councillors might ask for position statement from officers, including the Head of Legal Services. It was believed that the Leader of the Council, together with the Director of Planning, would be meeting the agents on Thursday 16 August 2007, and it was thought that the Leader was minded to be "positive", while recognising that 25 of 48 Borough Councillors were rural and only 23 urban. Officers were thought to be defensive.

## 10. Next steps

There was some discussion on what the next steps should be. One view was that action could be premature. Another was that a Coordinating Committee might be established to seek to protect The Commons. A preliminary meeting had apparently been held on Thursday 9 August 2007, organised by The Friends of The Commons and another date had been penciled in for Thursday 23 August 2007. It was recognised that Legal Advice would be desirable, but expensive, and there was speculation about whether Rodney Stone might be approached to help in this regard. There was also a suggestion that Christopher Hough of Ibbett Moseley might be approached for a chat. It was suggested, too, that Roger Joye might be in a position to advise on how a public appeal might be conducted, towards the purchase of the Commons.

The Chairman appeared to be asking the Civic Society's Executive Committee to approve three things:

1. To have a representation on any Coordinating Committee
2. In principle, to make some contribution to a public appeal, if launched, and
3. In principle, to be willing to contribute "seed money" to a central pot towards expenses thus incurred

(The Civic Society will, presumably, produce its own formal minutes of the meeting.)