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Your Ref:

Our Ref: SC/638337/A&O(T)

Date: 18 September 2007

Robin Legg
sent by e-mail to robin.legg@southsomerset.gov.uk

Seavington Playing Field Association (268986)

Thank you for your e-mail of 29 August 2007.

I understand you have some concerns about a planning application for a shop and café to be built on land belonging to the charity.

As I am sure you are aware, we do not have jurisdiction over planning applications. Your concerns appear to be for the trustees to address rather than the Commission.

However I can advise that the trustees of the charity have powers to let or sell land no longer required for use for the charity's purposes. They will not need to seek the authority of the Commission as long as they can comply with the provisions of clause 26 or 27 of the Scheme dated 13 December 1995 and sections 36 and 37 of the Charities Act 1993.

The trustees have discretion on how they use the land belonging to the charity. They will need to make decisions in the best interests of the charity and its beneficiaries and comply with charity law. As "community purposes" may not necessarily be "charitable purposes" it is not clear how they could restrict the use of the site of the shop for community purposes.

You may wish to read the guidance on disposal of charity land on our website. Please see *homepage/publications & guidance/publications/CC28 Disposing of Charity Land and homepage/publications & guidance/guidance/operational guidance/OG54 disposals of charity interests in property*.

I hope this advice is of help.

Yours sincerely,

Sue Carlton

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